

## ORDINANCE \_\_\_\_\_

AN ORDINANCE relating to land use and zoning, modifying locational criteria for various downtown zones and industrial zones; creating new zone classifications; modifying use provisions and development standards; enacting and amending affordable housing incentive programs; enacting and amending provisions for height and density bonuses and transfer of development capacity; amending Seattle Municipal Code Sections 23.34.108, 23.34.110, 23.34.114, 23.34.116, 23.41.004, 23.49.008, 23.49.011, 23.49.013, 23.49.014, 23.49.015, 23.49.019, 23.49.020, 23.49.022, 23.49.044, 23.49.045, 23.49.046, 23.49.056, 23.49.140, 23.49.142, 23.49.146, 23.49.156, 23.49.158, 23.49.162, 23.49.164, 23.49.166, 23.49.178, 23.49.198, 23.49.200, 23.49.208, 23.49.223, 23.49.226, 23.49.236, 23.49.242, 23.49.248, 23.50.012, 23.50.016, 23.50.020, 23.50.026, 23.50.027, 23.50.028, 23.50.038, 23.50.053, 23.53.006, 23.53.020, 23.58A.002, 23.58A.004, 23.58A.008, 23.58A.012, 23.58A.016, 23.58A.018, 23.66.100, 23.66.150, 23.66.160, 23.66.302, 23.66.306, 23.66.308, 23.66.310, 23.66.318, 23.66.322, 23.66.324, 23.66.326, 23.66.328, 23.66.332, 23.66.334, 23.66.336, 23.66.338, 23.74.006, 23.74.010, 23.84A.006, 23.84A.036, 23.84A.038, 23.90.018, 23.90.020; enacting new Sections 23.49.023, 23.49.031, 23.49.059, 23.49.143, 23.49.163, 23.49.165, 23.49.209, 23.49.212, 23.50.033, 23.50.039, 23.50.054, 23.50.055, 23.58A.020, 23.58A.022, 23.58A.023, 23.58A.024, 23.66.032; repealing maps for Chapter 23.49 and enacting new maps to replace them; repealing sections 23.49.244, 23.49.246, and 23.66.330; and amending the Official Land Use Map, Chapter 23.32, at pages 115, 116, and 117 to rezone areas within the South Downtown planning area.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Official Land Use Map, Chapter 23.32 of the Seattle Municipal Code, is amended to rezone properties located on Plat 43E, page 115; Plat 44W, page 116; Plat 44E, page 117 of the Official Land Use Map, as shown on Exhibits A and B attached to this ordinance.

Section 2. Section 23.34.108 of the Seattle Municipal Code, which section was enacted by Ordinance 117430, is amended as follows:

**23.34.108 Downtown Mixed Commercial (DMC) zone, function and locational criteria((=))**

Locations appropriate for Downtown Mixed Commercial zone designation ((~~shall be~~))  
are consistent with the following:

1 A. Function. Areas characterized by lower scale office, retail and commercial uses related  
2 to activity in the office core, ~~((and))~~ retail core or other moderate-scale commercial cores in the  
3 Downtown Urban Center, and that may be mixed with housing and associated residential  
4 services.

5 B. Scale and Character of Development. ~~((The scale of b))~~ Buildings ~~((shall be ))~~ are of  
6 moderate scale ~~((in height and mass))~~ to provide a physical transition between ~~((the high density~~  
7 ~~office-))~~ more intensive commercial areas and surrounding lower scale commercial, mixed use  
8 ~~((and))~~ or residential districts.

9 C. Transportation and Infrastructure Capacity. Areas within the Downtown Urban Center  
10 having good but comparatively less accessibility to vehicular and transit systems than the  
11 ~~((concentrated office districts))~~ Downtown Office Core. Transportation and other infrastructure  
12 capacities ~~((shall be))~~ are capable of accommodating modest growth without major  
13 improvement.

14 D. Relationship to Surrounding Activity. Areas that provide for less intensive activity  
15 along the western and northern edges of the Downtown Retail Core and Downtown Office Core  
16 ~~((retail and office cores))~~, or at other peripheral locations within the Downtown Urban Center.  
17 These areas ~~((shall))~~ provide a buffer to less intensive areas, such as the Harborfront, Pike Place  
18 Market, ~~((and))~~ ~~((Denny Regrade))~~ Belltown residential area to the west, ~~((and the Neighborhood~~  
19 ~~Commercial))~~ or mixed use areas north of Denny Way, or serve as a transition to less intensive  
20 commercial, residential or industrial areas near the Downtown Urban Center.  
21  
22  
23  
24  
25  
26  
27  
28

1 E. Heights. Downtown Mixed Commercial~~((Five (5)))~~ height designations ~~((shall))~~  
2 provide desired transitions ~~((compatible with))~~ between adjacent downtown districts and  
3 ~~((those))~~ between downtown districts and areas outside downtown.

4 Section 3. Section 23.34.110 of the Seattle Municipal Code, which section was enacted  
5 by Ordinance 117430, is amended as follows:

6 **23.34.110 Downtown Mixed Residential (DMR) zone, function and locational criteria((:))**  
7

8 Locations appropriate for Downtown Mixed Residential zone designation ~~((shall be))~~ are  
9 consistent with the following:

10 A. Function. Areas that provide a mixed use community where housing and associated  
11 services and amenities predominate. Office, retail and other commercial uses ~~((shall be))~~ are  
12 compatibly integrated with the predominant residential character at low to moderate densities.  
13

14 B. Scale and Character of Development. Areas where there is an existing base of housing  
15 and the potential exists for establishing a residential community. Areas ~~((shall))~~ have the  
16 potential for supporting a wide range of residential building types, ranging from midrise  
17 structures closely related to the street to larger tower forms. Opportunities ~~((shall))~~ exist for  
18 major public amenities, such as parks and open space, an enhanced pedestrian network, or  
19 ~~((and))~~ views of downtown~~((:))~~, Elliott Bay ~~((and))~~ or other surrounding ~~((land forms))~~ features.  
20

21 C. Transportation and Infrastructure Capacity. Areas with ~~((adequate))~~  
22 system and infrastructure system capacity that is sufficient or can be improved to accommodate a  
23 substantial residential population. Employment densities ~~((shall be))~~ are related to the ability of  
24 the transportation system to accommodate peak hour traffic flow without adversely affecting the  
25 residential ~~((development))~~ environment.  
26

1 D. Relationship to Surrounding Activity. Areas where there are surrounding mixed use  
2 areas providing transition between ~~((the))~~ residential or mixed use areas outside the Downtown  
3 Urban Center ~~((community))~~ and the higher intensity office core or other moderate-scale  
4 commercial core areas ~~((of))~~ within the ~~((d))~~ Downtown Urban Center.

5 E. Mix of Use. Two ~~((2))~~ mix of use designations ~~((shall be))~~ are applied to achieve  
6 subarea objectives. The DMR/R designation ~~((shall apply))~~ applies to areas predominantly  
7 residential in character or containing large amounts of underused land able to accommodate  
8 future residential development; non-residential uses may be present but should be of modest  
9 scale, likely to change in the future, or neighborhood serving in character. The DMR/C  
10 designation ~~((shall apply))~~ applies to those areas containing housing or having housing potential  
11 where larger scale, non-residential serving commercial development exists and is likely to  
12 remain.

13 F. Heights. Downtown Mixed Residential~~((One (1) of three (3)))~~ building height  
14 designations may be applied to achieve subarea objectives. The lowest height designation  
15 ~~((shall))~~ generally ~~((be centered on))~~ encompasses the Belltown core, in areas characterized by  
16 existing modest scale development, buildings of historic character, or topographic features such  
17 as the bluff rising from Elliott Bay. The intermediate ~~((area))~~ building height designation  
18 ~~((shall))~~ provides transition in height and density to the north and east of the Belltown core and  
19 along the bluff where ~~((larger scale commercial buildings))~~ waterfront development divides the  
20 area from Elliott Bay. In the International District east of Interstate 5, the building height  
21 designation provides for low to moderate heights. The highest building height designation ~~((and~~  
22 density shall)) applies ~~((y))~~ to areas ~~((now))~~ characterized by larger residential and commercial  
23  
24  
25  
26  
27  
28



buildings, generally ~~((north and east of Belltown))~~ along the eastern edge of Belltown, near the higher density mixed commercial areas of downtown.

Section 4. Section 23.34.114 of the Seattle Municipal Code, which section was last amended by Ordinance 119484, is amended as follows:

**23.34.114 International District Mixed (IDM) zone, locational criteria((=))**

The International District Mixed zone designation ~~((shall be))~~ is ~~((considered))~~ appropriate for areas of the International Special Review District designated in Chapter 23.66 of the Land Use Code for mixed use development. The areas designated IDM ~~((shall be))~~ are characterized by a mix of uses contained in low and medium scale structures ~~((and include the area west of Fifth Avenue South bordering Pioneer Square))~~.

Section 5. Section 23.34.116 of the Seattle Municipal Code, which section was last amended by Ordinance 119484, is amended as follows:

**23.34.116 International District Residential (IDR) zone, locational criteria((=))**

The International District Residential zone designation ~~((shall be))~~ is ~~((considered))~~ appropriate for areas of the International Special Review District designated in Chapter 23.66 of the Land Use Code for development as a predominantly residential neighborhood. The areas designated IDR ~~((shall be))~~ are generally located north of the International District core, near the Downtown Office Core, and contain parcels available for infill development and, east of 5<sup>th</sup> Avenue, may possess topographic features providing view potential. The IDR/C designation applies to areas where a mix of non-residential uses and residential uses will provide for a transition in use character between the Downtown Office Core and areas within the International Special Review District designated primarily for residential uses.

Section 6. Section 23.41.004 of the Seattle Municipal Code, which section was last amended by Ordinance [Ballard Rezone CB 116775](#), is amended as follows:

### 23.41.004 Applicability

#### A. Design review required.

1. Design review is required for any new multifamily, commercial, or industrial development proposal that exceeds one of the following thresholds in Table A for 23.41.004:

Table A for 23.41.004 Thresholds for Design Review		
Zone		Threshold
a.	Lowrise (L3, L4)	8 dwelling units
b.	Midrise (MR)	20 dwelling units
c.	Highrise (HR)	20 dwelling units
d.	Neighborhood Commercial (NC1, 2, 3)	4 dwelling units or 4,000 square feet of nonresidential gross floor area
e.	Commercial (C1, C2)	Four dwelling units or 12,000 square feet of nonresidential gross floor area, when located in an urban center or urban village <sup>1</sup> , or on a lot that abuts or is across a street or alley from a lot zoned single family, or located in the area bounded by: NE 95th St., NE 145th St., 15th Ave. NE, and Lake Washington
f.	Seattle Mixed (SM)	20 units or 12,000 square feet of nonresidential gross floor area
g.	Industrial Commercial (IC) zone((;)) within all designated urban villages and centers <sup>1</sup> .	12,000 square feet of nonresidential gross floor area(( <sup>1</sup> ))
<sup>1</sup> Urban centers and urban villages are identified in the Seattle Comprehensive Plan.		

2. Design review is required for all new Major Institution development proposals that exceed any applicable threshold((s)) ((~~in the zones~~)) listed in subsection 23.41.004.A.1 ((~~of~~

1 ~~this Section 23.41.004~~)) unless the structure is located within a Major Institution Overlay (MIO)  
2 district.

3 3. Design review is required for all new development proposals located in the  
4 following Downtown zones that equal or exceed any of the following thresholds:

5 ((~~DOC 1, DOC 2 or DMC Zones~~))

<u><b>DOC 1, DOC 2 or DMC Zones</b></u>	
<b>Use</b>	<b>Threshold</b>
Nonresidential	50,000 square feet of gross floor area
Residential	20 dwelling units

10  
11 ((~~DRC, DMR, DH1 or DH2~~))

<u><b>DRC, DMR, DH1 or DH2</b></u>	
<b>Use</b>	<b>Threshold</b>
Nonresidential	20,000 square feet of gross floor area
Residential	20 dwelling units

16 4. Design review is required for all new development proposals exceeding 120  
17 feet in width on any single street frontage in the Stadium Transition Area Overlay District as  
18 shown in Map A for 23.41.006, and all new development proposals exceeding 12,000 square feet  
19 of nonresidential gross floor area and electing to add extra floor area above the base FAR in the  
20 IC 65-160 zone in the Stadium Transition Area Overlay District and in the IC 85-160 zone.

22 5. Administrative Design Review to Protect Trees. As provided in Sections  
23 25.11.070 and 25.11.080, administrative design review (Section 23.41.016) is required for new  
24 multifamily and commercial development proposals in Lowrise, Midrise, and commercial zones  
25

if an exceptional tree, as defined in Section 25.11.020, is located on the site, even if design review would not otherwise be required by subsection 23.41.004.A.

6. New multifamily or commercial development proposals in the zones listed in subsection 23.41.004.A.1 (~~(of this section 23.41.004)~~) that are subject to SEPA solely as a result of the provisions of Section 25.05.908, Environmentally Critical Areas, are exempt from design review except as set forth in subsection 23.41.004.A.5 (~~(of this section 23.41.004)~~).

\* \* \*

Section 7. Section 23.49.008 of the Seattle Municipal Code, which section was last amended by Ordinance 122582, is amended as follows:

**23.49.008 Structure height**(~~(s)~~)

The following provisions regulating structure height apply to all property in (~~(d)~~) Downtown zones except the DH1 (~~(, PSM, IDM, and IDR)~~) zone(~~(s)~~). Structure height for PSM, IDM and IDR zones is regulated by this Section 23.49.008, and by Sections 23.49.178, 23.49.208, and 23.49.236.

A. Base and Maximum Height Limits.

1. Except as otherwise provided in this Section, maximum structure heights for (~~(d)~~) Downtown zones (~~(, except PMM, are fifty five (55) feet, sixty five (65) feet, eighty five (85) feet, one hundred twenty five (125) feet, one hundred fifty (150) feet, one hundred sixty (160) feet, two hundred forty (240) feet, three hundred forty (340) feet, four hundred (400) feet, five hundred (500) feet, and unlimited, as)~~) are as designated on the Official Land Use Map (~~(, Chapter 23.32)~~).

1 In certain zones, as specified in this section, the maximum structure height may be  
2 allowed only for particular uses or only on specified conditions, or both. Where height limits are  
3 specified for portions of a structure that contain specified types of uses, the applicable height  
4 limit for the structure is the highest applicable height limit for the types of uses in the structure,  
5 unless otherwise specified.

6  
7 2. Except in the PMM zone, the base height limit for a structure is the lowest of  
8 the maximum structure height or the lowest other height limit, if any, that applies pursuant to the  
9 provisions of this title based upon the uses in the structure, before giving effect to any bonus for  
10 which the structure qualifies under this chapter and to any special exceptions or departures  
11 authorized under this chapter. In the PMM zone the base height limit is the maximum height  
12 permitted pursuant to urban renewal covenants.

13  
14 3. In zones listed below in this subsection 23.49.008.A.3 there is a base height  
15 limit for portions of a structure that contain(~~ing~~) nonresidential and live-work uses, which is  
16 shown as the first figure after the zone designation (except that there is no such limit in DOC1),  
17 and a base height limit that applies to portions of a structure in residential use, shown as the  
18 figure following the "/". The third figure shown is the height limit for a structure that uses the  
19 bonus available under Section 23.49.015 and has no nonresidential or live-work use above the  
20 first height limit shown for that zone:  
21

22 DOC1 Unlimited/450 -- Unlimited

23 DOC2 500/300-500

24 DMC 340/290-400

25 DMC 240/290-400.  
26

4. A structure in a DMC 340/290-400 zone on a lot comprising a full block that abuts a DOC1 zone along at least one street frontage may gain additional structure height of ~~((thirty (30)))~~ 30 percent above the maximum residential height limit if the structure uses the bonus available under Section 23.49.015, or ~~((thirty five (35)))~~ 35 percent above 340 feet if that bonus is not used, in either case on the following conditions:

a. Only one tower is permitted on the lot;

b. Any additional floor area above the maximum height limit for nonresidential or live-work use, as increased under this subsection 23.49.008.A.4, is occupied by residential use;

c. The average residential gross floor area and maximum residential floor area of any story in the portion of the tower permitted above the base residential height limit does not exceed the limits prescribed in Section 23.49.058.D.1;

d. Any residential floor area allowed above the base residential height limit under this provision is gained through voluntary agreements to provide low-income or moderate-income housing according to the provisions of Section 23.49.015;

e. At least ~~((thirty five (35)))~~ 35 percent of the lot area, or a minimum of 25,000 square feet, whichever is greater, is in open space use substantially at street level meeting the standards, and subject to the allowances for coverage, in this subsection 23.49.008.A.4.e.

~~((i-))~~ 1) The location and configuration of the space shall enhance solar exposure, allow easy access to entrances to the tower serving all tenants and occupants from streets abutting the open space, and allow convenient pedestrian circulation through all portions of the open space. The open space shall be entirely contiguous and physically

accessible. To offset the impact of the taller structure allowed, the open space must have frontage at grade abutting sidewalks, and be visible from sidewalks, on at least two streets. The elevation of the space may vary, especially on sloping lots where terracing the space facilitates connections to abutting streets, provided that grade changes are gradual and do not significantly disrupt the continuity of the space, and no part of the open space is significantly above the grade of the nearest abutting street. The Director may allow greater grade changes, as necessary, to facilitate access to transit tunnel stations.

((i-)) 2 Up to ~~((twenty (20)))~~ 20 percent of the area used to satisfy the open space condition to allowing additional height may be covered by the following features: permanent, freestanding structures, such as retail kiosks, pavilions, or pedestrian shelters; structural overhangs; overhead arcades or other forms of overhead weather protection; and any other features approved by the Director that contribute to pedestrian comfort and active use of the space. The following features within the open space area may count as open space and are not subject to the percentage coverage limit: temporary kiosks and pavilions, public art, permanent seating that is not reserved for any commercial use, exterior stairs and mechanical assists that provide access to public areas and are available for public use, and any similar features approved by the Director.

f. Open space used to satisfy the condition to allowing additional height in this section is not eligible for a bonus under Section 23.49.013.

g. Open space used to satisfy the condition to allowing additional height in this section may qualify as common recreation area to the extent permitted by ~~((SMC))~~

subsection 23.49.011.B and may be used to satisfy open space requirements in ~~((SMC))~~

subsection 23.49.016.C.1 if it satisfies the standards of that subsection.

h. No increase in height shall be granted to any proposed development that would result in significant alteration to any designated feature of a landmark structure, unless a certificate of approval for the alteration is granted by the Landmarks Preservation Board.

5. In the DRC zone, the base height limit is ~~((eighty five (85)))~~ 85 feet, except that, subject to the conditions in subsection 23.49.008.A.6 of this section:

a. The base height limit is ~~((one hundred fifty (150)))~~ 150 feet if any of the following conditions is satisfied:

~~((i.))~~ 1) all portions of a structure above ~~((eighty five (85)))~~ 85 feet contain only residential use; or

~~((ii.))~~ 2) at least ~~((twenty five (25)))~~ 25 percent of the gross floor area of all structures on a lot is in residential use; or

~~((iii.))~~ 3) a minimum of 1.5 FAR of retail sales and service or entertainment uses, or any combination thereof, is provided on the lot.

b. For residential floor area created by infill of a light well on a Landmark structure, the base height limit is the lesser of ~~((one hundred fifty (150)))~~ 150 feet or the highest level at which the light well is enclosed by the full length of walls of the structure on at least ~~((three (3)))~~ three sides. For the purpose of this subsection a light well is defined as an inward modulation on a non-street facing facade that is enclosed on at least ~~((three (3)))~~ three



sides by walls of the same structure, and infill is defined as an addition to that structure within the light well.

6. Restrictions on Demolition and Alteration of Existing Structures.

a. Any structure in a DRC zone that would exceed the ~~((eighty-five (85)))~~ 85 foot base height limit shall incorporate the existing exterior street front facade(s) of each of the structures listed below, if any, located on the lot of that project. The City Council finds that these structures are significant to the architecture, history and character of downtown. The Director may permit changes to the exterior facade(s) to the extent that significant features are preserved and the visual integrity of the design is maintained. The degree of exterior preservation required will vary, depending upon the nature of the project and the characteristics of the affected structure(s).

b. The Director shall evaluate whether the manner in which the facade is proposed to be preserved meets the intent to preserve the architecture, character and history of the Retail Core. If a structure on the lot is a Landmark structure, approval by the Landmarks Preservation Board for any proposed modifications to controlled features is required prior to a decision by the Director to allow or condition additional height for the project. The Landmarks Preservation Board's decision shall be incorporated into the Director's decision. Inclusion of a structure on the list below is solely for the purpose of conditioning additional height under this subsection, and shall not be interpreted in any way to prejudice the structure's merit as a Landmark:

Sixth and Pine Building	523 Pine Street
Decatur	1513-6th Avenue
Coliseum Theater	5th and Pike
Seaboard Building	1506 Westlake Avenue
Fourth and Pike Building	1424-4th Avenue
Pacific First Federal Savings	1400-4th Avenue
Joshua Green Building	1425-4th Avenue
Equitable Building	1415-4th Avenue
Mann Building	1411-3rd Avenue
Olympic Savings Tower	217 Pine Street
Fischer Studio Building	1519-3rd Avenue
Bon Marche (Macy's)	3rd and Pine
Melbourne House	1511 - 3rd Avenue
Former Woolworth's Building	1512 - 3rd Avenue

c. The restrictions in this subsection 23.49.008.A.6 are in addition to, and not in substitution for, the requirements of the Landmarks Ordinance, ((SMC)) Chapter 25.12.

7. The applicable height limit for a structure is the base height limit plus any height allowed as a bonus under this chapter and any additional height allowed by special exception or departure, or by subsection 23.49.008.A.4 of this section. The height of a structure shall not exceed the applicable height limit, except as provided in subsections 23.49.008.B, 23.49.008.C and 23.49.008.D((of this section)).

8. The height of rooftop features, as provided in subsection 23.49.008.D, is allowed to exceed the applicable height limit.

9. On lots located within South Downtown in the DMC 85/65-85(150) zone:  
 a. A height limit of 85 feet applies to all portions of a structure that contain nonresidential and live-work uses.

b. A base height limit of 65 feet applies to all portions of a structure that contain residential uses.

c. The applicable height limit for portions of a structure that contain residential uses is 85 feet if the applicant qualifies for extra floor area on the lot under Section 23.49.023 and Chapter 23.58A, the structure has no nonresidential or live-work use above 85 feet, and the structure does not qualify for a higher limit for residential uses under subsection 23.49.008.A.9.d.

d. The applicable height limit is 150 feet if the applicant qualifies for extra floor area on the lot under Section 23.49.023 and Chapter 23.58A; the structure has no nonresidential or live-work use above 85 feet; the lot includes all or part of a mid-block corridor that satisfies the conditions of subsection 23.58A.016.C.4.d, except to the extent any waiver of such conditions is granted by the Director; and the standards of Section 23.49.163 are satisfied.

B. Structures located in DMC 240/290-400 or DMC 340/290-400 zones may exceed the maximum height limit for residential use, or if applicable the maximum height limit for residential use as increased under the provisions of subsection 23.49.008.A.4 ~~((of this section))~~, by ten ~~((10))~~ percent of that limit, as so increased if applicable, if:

1. the facades of the portion of the structure above the limit do not enclose an area greater than ~~((nine thousand (9,000)))~~ 9,000 ~~((9))~~ square feet, and

2. the enclosed space is occupied only by those uses or features otherwise permitted in this Section 23.49.008 as an exception above the height limit.

~~((This))~~ The exception in this subsection 23.49.008.B shall not be combined with any other height exception for screening or rooftop features to gain additional height.

C. Height in Downtown Mixed Residential (DMR) zones is regulated as follows:

1. ~~((No portion of a))~~ A structure that contains only nonresidential or live-work uses may not exceed the lowest~~((€))~~ height limit established on the Official Land Use Map, except for rooftop features permitted by subsection 23.49.008.D ~~((of this section))~~.

2. In DMR zones for which exactly two height limits are established, only those ~~((P))~~portions of structures that contain only residential uses may exceed the lower height limit, and they may extend to the higher height limit established on the Official Land Use Map.

3. On lots located within South Downtown in the DMR/C 65/65-85(150) zone, the base height limit is 65 feet, and is the applicable height limit for all structures, except that:

a. The applicable height limit is 85 feet if the applicant qualifies for extra floor area under Section 23.49.023 and Chapter 23.58A, the structure has no nonresidential or live-work use above 65 feet, and the structure does not qualify for a higher height limit under this subsection 23.49.008.C.3.

b. The applicable height limit is 150 feet if the applicant qualifies for extra floor area under Section 23.49.023 and Chapter 23.58A; the structure has no nonresidential or live-work use above 65 feet; the lot includes all or part of a mid-block corridor that satisfies the conditions of subsection 23.58A.016.C.4.d, except to the extent any waiver of such conditions is granted by the Director; and the standards of subsection 23.49.156.B and Section 23.49.163 are satisfied.

D. Rooftop Features.

1. The following rooftop features are permitted with unlimited rooftop coverage and may not exceed the height limits as indicated:

1 a. Open railings, planters, clerestories, skylights, play equipment, parapets  
2 and firewalls up to four (~~((4))~~) feet above the applicable height limit;

3 b. Solar collectors up to seven (~~((7))~~) feet above the applicable height  
4 limit; and

5 c. The rooftop features listed below shall be located a minimum of ten  
6 (~~((10))~~) feet from all lot lines and may extend up to (~~((fifty-))~~)50(~~((+))~~) feet above the roof of the  
7 structure on which they are located or (~~((fifty-))~~)50(~~((+))~~) feet above the applicable height limit,  
8 whichever is less, except as regulated by Chapter 23.64, Airport Height Overlay District:  
9

10 (~~((+))~~)1) Religious symbols for religious institutions,

11 (~~((+))~~)2) Smokestacks, and

12 (~~((+))~~)3) Flagpoles.  
13

14 2. The following rooftop features are permitted up to the heights indicated below,  
15 as long as the combined coverage of all rooftop features, whether or not listed in this subsection  
16 2, does not exceed (~~((fifty-five-))~~)55(~~((+))~~) percent of the roof area for structures that are subject to  
17 maximum floor area limits per story pursuant to Section 23.49.058, or (~~((thirty-five-))~~)35(~~((+))~~)  
18 percent of the roof area for other structures.  
19

20 a. The following rooftop features are permitted to extend up to (~~((fifteen-))~~)15(~~((+))~~) feet above the applicable height limit:  
21

22 (~~((+))~~)1) Solar collectors;

23 (~~((+))~~)2) Stair penthouses;

24 (~~((+))~~)3) Play equipment and open-mesh fencing, as long as the  
25 fencing is at least (~~((fifteen-))~~)15(~~((+))~~) feet from the roof edge;  
26  
27  
28

((f))4) Covered or enclosed common recreation area; and

((f))5) Mechanical equipment.

b. Elevator penthouses as follows:

((f))1) In the PMM zone, up to ~~((fifteen-))~~15((f)) feet above the applicable height limit;

((f))2) Except in the PMM zone, up to ~~((twenty-three-))~~23((f)) feet above the applicable height limit for a penthouse designed for an elevator cab up to ~~((eight-))~~8 feet high;

((f))3) Except in the PMM zone, up to ~~((twenty-five-))~~25((f)) feet above the applicable height limit for a penthouse designed for an elevator cab more than ~~((eight-))~~8 feet high;

((f))4) Except in the PMM zone, when the elevator provides access to a rooftop designed to provide usable open space, an additional ~~((ten-))~~10((f)) feet above the amount permitted in subsections (2) and (3) above shall be permitted.

c. Minor communication utilities and accessory communication devices, regulated according to Section 23.57.013, shall be included within the maximum permitted rooftop coverage.

3. Screening of Rooftop Features.

a. Measures may be taken to screen rooftop features from public view through the design review process or, if located within the Pike Place Market Historical District, by the Market Historical Commission.

b. Except in the PMM zone, the amount of roof area enclosed by rooftop screening may exceed the maximum percentage of the combined coverage of all rooftop features as provided in subsection 23.49.008.D.2 ~~((of this section))~~.

c. Except in the PMM zone, in no circumstances shall the height of rooftop screening exceed ten ~~((10))~~ percent of the applicable height limit, or ~~((fifteen-))15((+))~~ feet, whichever is greater. In the PMM zone, the height of the screening shall not exceed the height of the rooftop feature being screened, or such greater height necessary for effective screening as determined by the Pike Place Market Historical Commission.

4. Administrative Conditional Use for Rooftop Features. Except in the PMM zone, the rooftop features listed in subsection 23.49.008.D.1.c ~~((of this section))~~ may exceed a height of ~~((fifty-))50((+))~~ feet above the roof of the structure on which they are located if authorized by the Director through an administrative conditional use, Chapter 23.76. The request for additional height shall be evaluated on the basis of public benefits provided, the possible impacts of the additional height, consistency with the City's land use policies, and the following specific criteria:

a. The feature shall be compatible with and not adversely affect the downtown skyline.

b. The feature shall not have a substantial adverse effect upon the light, air, solar and visual access of properties within a ~~((three hundred-))300((+))~~ foot radius.

c. The feature, supporting structure and structure below shall be compatible in design elements such as bulk, profile, color and materials.

d. The increased size is necessary for the successful physical function of the feature, except for religious symbols.

#### 5. Residential Penthouses Above Height Limit in DRC Zone.

a. A residential penthouse exceeding the applicable height limit shall be permitted in the DRC zone only on a mixed-use, City-designated Landmark structure for which a certificate of approval by the Landmarks Preservation Board is required. A residential penthouse allowed under this section may cover a maximum of ~~((fifty-))~~50~~((+))~~ percent of the total roof surface. Except as the Director may allow under subsection 23.49.008.D.5.b ~~((of this section))~~:

~~((+))~~1) A residential penthouse allowed under this subsection shall be set back a minimum of ~~((fifteen-))~~15 feet from the street property line.

~~((+))~~2) A residential penthouse may extend up to ~~((eight-))~~8 feet above the roof, or ~~((twelve-))~~12~~((+))~~ feet above the roof when set back a minimum of ~~((thirty-))~~30~~((+))~~ feet from the street property line.

b. If the Director determines, after a sight line review based upon adequate information submitted by the applicant, that a penthouse will be invisible or minimally visible from public streets and parks within ~~((three-hundred-))~~300~~((+))~~ feet from the structure, the Director may allow one or both of the following in a Type I decision:

~~((+))~~1) An increase of the penthouse height limit under subsection 23.49.008.D.5.a ~~((of this section))~~ by an amount up to the average height of the structure's street-facing parapet; or

~~((+))~~2) A reduction in the required setback for a residential penthouse.



c. The Director's decision to modify development standards pursuant to subsection 23.49.008.D.5.b must be consistent with the certificate of approval from the Landmarks Preservation Board.

d. A residential penthouse allowed under this section shall not exceed the maximum structure height in the DRC zone under Section 23.49.008.

e. No rooftop features shall be permitted on a residential penthouse allowed under this subsection 23.49.008.D.5.

6. For height limits and exceptions for communication utilities and accessory communication devices, see Section 23.57.013.

Section 8. Section 23.49.011 of the Seattle Municipal Code, which section was last amended by Ordinance [123209](#), is amended as follows:

**23.49.011 Floor area ratio((r))**

**A. General Standards.**

1. The base and maximum floor area ratio (FAR) for each zone is provided in Table A for 23.49.011 ((A1)).

<b>Table <u>A</u> for 23.49.011 ((A1)) Base and Maximum Floor Area Ratios (FARs)</b>		
<b>Zone Designation</b>	<b>Base FAR</b>	<b>Maximum FAR</b>
Downtown Office Core 1 (DOC1)	6	20
Downtown Office Core 2 (DOC2)	5	14
Downtown Retail Core (DRC)	3	5
Downtown Mixed Commercial (DMC)	4 in ((65' height district)) <u>DMC 65</u> 4.5 in <u>DMC 85</u> ((85' height district))	4 in <u>DMC 65</u> ((height district))

**Table A for 23.49.011 ((A1))  
 Base and Maximum Floor Area Ratios (FARs)**

	<del>district))</del> 5 in <u>DMC 125, DMC 160, DMC 240/290-400, and DMC 340/290-400</u> <del>((125', 160', 240'/290' 400' and 340'/290' 400' height districts))</del> <u>3 in DMC 85/65-85(150)</u>	4.5 in <u>DMC 85</u> <del>(('height district))</del> 7 in <u>DMC 125, DMC 160, and DMC 240/290-400</u> <del>((125', 160' and 240'/290' 400' height districts))</del> 10 in <u>DMC 340/290-400</u> <del>((340'/290' 400' height districts))</del> <u>5 in DMC 85/65-85(150)</u>
Downtown Mixed Residential/Residential (DMR/R)	1 in <u>DMR/R 85/65</u> <del>((85'/65' height district))</del> 1 in <u>DMR/R 125/65</u> <del>((125'/65' height district))</del> 1 in <u>DMR/R 240/65</u> <del>((240'/65' height district))</del>	1 in <u>DMR/R 85/65</u> <del>((85'/65' height district))</del> 2 in <u>DMR/R 125/65</u> <del>((125'/65' height district))</del> 2 in <u>DMR/R 240/65</u> <del>((240'/65' height district))</del>
Downtown Mixed Residential/Commercial (DMR/C)	1 in <u>DMR/C 85/65</u> <del>((85'/65' height district))</del> 1 in <u>DMR/C 125/65</u> <del>((125'/65' height district))</del> 2 in <u>DMR/C 240/125</u> <del>((240'/125' height district))</del> <u>2.5 in DMR/C 65/65-85(150)</u>	4 in <u>DMR/C 85/65</u> <del>((85'/65' height district))</del> 4 in <u>DMR/C 125/65</u> <del>((125'/65' height district))</del> 5 in <u>DMR/C 240/125</u> <del>((240'/125' height district))</del> <u>4 in DMR/C 65/65-85(150)</u>
Pioneer Square Mixed (PSM)	N.A.	N.A.
International District Mixed (IDM)	3, except <del>((hotels))</del> <u>as stated below</u> 6 for hotels* <u>in IDM 75-85 and IDM 75/85-150</u>	3, except <del>((hotels))</del> <u>as stated below</u> 6 for hotels* <u>in IDM 75-85 and IDM 75/85-150</u> 6 in <u>IDM 150/85-150</u>
International District Residential (IDR)	1	2 when 50% or more of the total gross floor area on the lot is in

**Table A for 23.49.011 ((A.1))  
 Base and Maximum Floor Area Ratios (FARs)**

		residential use
<u>International District Residential/Commercial (IDR/C)</u>	<u>3, except hotels 6 for hotels*</u>	<u>3, except hotels 6 for hotels*</u>
Downtown Harborfront 1 (DH1)	N.A.	N.A.
Downtown Harborfront 2 (DH2)	2.5	Development standards regulate maximum FAR
Pike Market Mixed (PMM)	7	7
N.A. = Not Applicable. <u>* Hotel use may be combined with up to 3 FAR of other chargeable floor area, up to a total  of 6 FAR.</u>		

2. Chargeable floor area shall not exceed the applicable base FAR except as expressly authorized pursuant to the provisions of this chapter.

a. ~~((For new structures in))~~ In DOC1, DOC2, and DMC zones that are located outside of South Downtown, if ((allowing)) chargeable floor area above the base FAR is allowed on a lot for development that includes a new structure, the first increment of chargeable floor area above the base FAR, shown for each zone on Table B for 23.49.011((A.2)), shall be gained by making a commitment satisfactory to the Director that the proposed development will earn a LEED Silver rating or meet a substantially equivalent standard approved by the Director as a Type I decision. In these zones outside of South Downtown, no chargeable floor area above the base FAR is allowed for a project that includes chargeable floor area in a new structure unless the applicant makes such a commitment. When such a commitment is made, the provisions of ~~((SMC))~~ Section 23.49.020 ~~((shall))~~ apply. ~~((The Director may establish by rule~~

~~procedures for determining whether an applicant has demonstrated that a new structure has earned a LEED Silver rating or met any such substantially equivalent standard, provided that no rule shall assign authority for making a final determination to any person other than an officer of the Department of Planning and Development or another City agency with regulatory authority and expertise in green building practices.))~~ This subsection 23.49.011.A.2.a shall expire on May 12, 2011.

<b>Table B for <u>23.49.011((A.2))</u></b>	
<b>Zone</b>	<b>First increment of FAR above the base FAR achieved through LEED Silver Rating</b>
<u>All DOC1 zones</u>	1.0
<u>All DOC2 zones</u>	0.75
DMC 340/290-400	0.50
DMC 125, <u>DMC 160,</u> <u>DMC 240/290-400</u>	0.25

b. In DOC1, DOC2, and DMC zones outside of South Downtown, additional chargeable floor area above the first increment of FAR that exceeds the base FAR may be obtained only by qualifying for floor area bonuses pursuant to Section 23.49.012 or 23.49.013, or by the transfer of development rights pursuant to Section 23.49.014, or both, except as otherwise expressly provided in this subsection~~((s))~~ 23.49.011.A.2((e through A.2i, A.2k, and A.2l of this section)). After the expiration of subsection 23.49.011.A.2.a ~~((of this~~

1 ~~section~~)), the first increment of floor area ~~((above))~~ that exceeds the base FAR shall be zero  
2 ~~((0))~~).

3 c. In ~~((the))~~ DOC1 zones~~((s))~~ additional chargeable floor area over  
4 ~~((seventeen-(17)))~~ 17 FAR may be obtained only through the transfer of rural development  
5 credits, except as provided below in this subsection 23.49.011.A.2.c. No chargeable floor area  
6 shall be allowed under this subsection 23.49.011.A.2.c unless, at the time of the Master Use  
7 Permit application for the project proposing such floor area, an agreement is in effect between  
8 the City and King County, duly authorized by City ordinance, for the implementation of a Rural  
9 Development Credits Program. If no such agreement is in effect, the chargeable floor area above  
10 ~~((the seventeenth))~~ 17 FAR may be obtained according to the provisions of ~~((S))~~ subsection  
11 23.49.011.A.2.f.  
12  
13

14 d. In no event shall the use of bonuses, TDR, or rural development  
15 credits, or any combination of them, be allowed to result in chargeable floor area in excess of the  
16 maximum as set forth in Table A for 23.49.011~~((A.1))~~, except that a structure on a lot in a  
17 planned community development pursuant to Section 23.49.036 or a combined lot development  
18 pursuant to Section 23.49.041, may exceed the floor area ratio otherwise permitted on that lot,  
19 provided the chargeable floor area on all lots included in the planned community development or  
20 combined lot development as a whole does not exceed the combined total permitted chargeable  
21 floor area.  
22

23 e. Except as otherwise provided in this subsection 23.49.011.A.2.e or  
24 subsection~~((s))~~ 23.49.011.A.2.g or 23.49.011.A.2.i, ~~((of this section))~~, and except in South  
25 Downtown, not less than five ~~((5))~~ percent of all floor area above the base FAR to be gained on  
26

any lot, excluding any floor area gained under subsections 23.49.011.A.2.a, 23.49.011.A.2.k, and 23.49.011.A.2.l (~~(of this section)~~), shall be gained through the transfer of Landmark TDR, to the extent that Landmark TDR (~~(is)~~) are available. Landmark TDR shall be considered "available" only to the extent that, at the time of the Master Use Permit application to gain the additional floor area, the City of Seattle is offering Landmark TDR for sale, at a price per square foot no greater than the total bonus contribution under Section 23.49.012 for a project using the cash option for both housing and childcare facilities. An applicant may satisfy the minimum Landmark TDR requirement in this section by purchases from private parties, by transfer from an eligible sending lot owned by the applicant, by purchase from the City, or by any combination of the foregoing. This subsection 23.49.011.A.2.e does not apply to any lot in a DMR zone.

f. Except as otherwise permitted under subsection 23.49.011.A.2.h (~~(or)~~) 23.49.011.A.2.i, or 23.49.011.A.2.m of this section, on any lot outside of South Downtown except a lot in a DMR zone, the total amount of chargeable floor area gained through bonuses under Section 23.49.012, together with any housing TDR and Landmark housing TDR used for the same project, shall equal (~~((seventy five (75)))~~) 75 percent of the amount, if any, by which the total chargeable floor area to be permitted on the lot exceeds the sum of (i) the base FAR, as determined under this section and Section 23.49.032 if applicable, plus (ii) any chargeable floor area gained on the lot pursuant to subsections 23.49.011.A.2.a, 23.49.011.A.2.c, 23.49.011.A.2.h, 23.49.011.A.2.i, 23.49.011.A.2.k, and 23.49.011.A.2.l (~~(of this section)~~). Except in South Downtown, (~~(A)~~) at least half of the remaining (~~((twenty five (25)))~~) 25 percent shall be gained by using TDR from a sending lot with a major performing arts facility, to the extent available (~~((F))~~), and the balance of (~~((such twenty five (25)))~~) the 25 percent shall be gained through bonuses

1 under Section 23.49.013 or through TDR other than housing TDR, or both, consistent with this  
2 chapter. TDR from a sending lot with a major performing arts facility shall be considered  
3 "available" only to the extent that, at the time of the Master Use Permit application to gain the  
4 additional floor area, the City of Seattle is offering such TDR for sale, at a price per square foot  
5 not exceeding the prevailing market price for TDR other than housing TDR, as determined by  
6 the Director.

7  
8 g. In order to gain chargeable floor area on any lot in a DMR zone outside  
9 of South Downtown, an applicant may (i) use any types of TDR eligible under this chapter in any  
10 proportions, or (ii) use bonuses under Section 23.49.012 or 23.49.013, or both, subject to the  
11 limits for particular types of bonus under Section 23.49.013, or (iii) combine such TDR and  
12 bonuses in any proportions.

13  
14 h. On any lot in a DMC zone allowing a maximum FAR of seven (~~((7))~~),  
15 in addition to the provisions of subsection 23.49.011.A.2.f above, an applicant may gain  
16 chargeable floor area above the first increment of FAR above the base FAR through use of DMC  
17 housing TDR, or any combination of DMC housing TDR with floor area gained through other  
18 TDR and bonuses as prescribed in subsection 23.49.011.A.2.f.

19  
20 i. When the amount of bonus development sought in any permit  
21 application does not exceed (~~((five thousand (5,000)))~~) 5,000 square feet of chargeable floor area,  
22 the Director may permit such floor area to be achieved solely through the bonus for housing and  
23 child care.

24  
25 j. No chargeable floor area above the base FAR shall be granted to any  
26 proposed development that would result in significant alteration to any designated feature of a

Landmark structure, unless a ~~((C))~~certificate of ~~((A))~~approval for the alteration is granted by the Landmarks Preservation Board.

k. On a lot entirely in a DOC1 zone, additional chargeable floor area equal to 1.0 FAR may be permitted above the increment achieved through a commitment as prescribed in subsection 23.49.011\_A\_2\_a, or above the base FAR after expiration of that subsection, on a lot that includes one or more qualifying Landmarks, subject to the following conditions:

~~((C))~~1) the structure is rehabilitated to the extent necessary so that all features and characteristics controlled or designated by ordinance pursuant to SMC Chapter 25.12 or Ordinance 102229 are in good condition and consistent with the applicable ordinances and with any certificates of approval issued by the Landmarks Preservation Board, all as determined by the Director of Neighborhoods; and

~~((C))~~2) a notice shall be recorded in the King County real estate records, in form satisfactory to the Director, regarding the bonus allowed and the effect thereof under the terms of this chapter. For purposes of this section, a "qualifying Landmark" is a structure that (i) has a gross floor area above grade of at least ~~((five thousand (5,000)))~~ 5,000 square feet; (ii) is separate from the principal structure or structures existing or to be developed on the lot, except that it may abut and connect with one such structure along one exterior wall; (iii) is subject, in whole or in part, to a designating ordinance pursuant to SMC Chapter 25.12, or was designated pursuant to Ordinance 102229; and (iv) is on a lot on which no improvement, object, feature or characteristic has been altered or removed contrary to any provision of Chapter 25.12 or any designating ordinance. A qualifying Landmark for which a bonus is allowed under



1 this subsection shall be considered a public benefit feature, but shall not be considered an  
2 amenity for purposes of Section 23.49.013. For so long as any of the chargeable floor area  
3 allowed under this subsection 23.49.011.A.2.k remains on the lot, each qualifying Landmark for  
4 which such bonus was granted shall remain designated as a Landmark under Chapter 25.12 and  
5 the owner shall maintain the exterior and interior of each qualifying Landmark in good condition  
6 and repair and in a manner that preserves the features and characteristics that are subject to  
7 designation or controls by ordinance, and that maintains compliance with all applicable  
8 requirements of federal, state and local laws, ordinances, regulations, and restrictions.  
9

10 1. On a lot entirely in a DOC1 zone, as an incentive to maintain diversity  
11 in the scale of downtown development, additional floor area equal to 0.5 FAR may be granted  
12 above the increment achieved through a commitment as prescribed in subsection  
13 23.49.011.A.2.a, or above the base FAR after expiration of that subsection, on a lot that includes  
14 one or more qualifying small structures, subject to the conditions in this subsection  
15 23.49.011.A.2.l.

17 ((~~1~~))1) A "qualifying small structure" is one that satisfies all of the  
18 following standards:

19 ((~~i~~)) a) the gross floor area of the structure above grade is  
20 a minimum of ((~~five thousand (5,000)~~)) 5,000 square feet and does not exceed ((~~fifty thousand~~  
21 ~~(50,000)~~)) 5,000 square feet;

23 ((~~ii~~)) b) the height of the structure is ((~~one hundred and~~  
24 ~~twenty five (125)~~)) 125 feet or less, not including rooftop features as specified in subsection  
25 23.49.008.((~~d~~))D;

((iii)) c) the structure was not constructed or substantially structurally modified since July 13, 1982; and

((iv)) d) the structure is not occupied by parking above the ground floor.

2) If the structure is removed from the lot or ceases to be a qualifying small structure, then any development on the portion of the lot previously occupied by the structure, defined by a rectangle enclosing the exterior walls of the structure as they exist at the time the bonus is granted and extended to the nearest street frontage, shall be limited to a maximum floor area of ~~((fifty thousand (50,000)))~~ 50,000 square feet for all uses and a maximum height of ~~((one hundred and twenty five (125)))~~ 125 feet, excluding any rooftop features as specified in subsection 23.49.008.~~((d))~~D.

((§))3) A notice shall be recorded in the King County real estate records, in form satisfactory to the Director, regarding the bonus allowed and the effect thereof under the terms of this chapter.

((c))4) Bonus floor area under this subsection 23.49.011.A.2.l

may not be granted on the basis of a Landmark structure for which bonus floor area is allowed under subsection 23.49.011.A.2.k of this section, but may be allowed on the basis of a different structure or structures that are on the same lot as a Landmark structure for which such bonus floor area is allowed.

m. Chargeable floor area in excess of the base FAR in the PSM 85-120  
zone may be gained only in accordance with the provisions of Section 23.49.180.

1                   n. In IDM, DMR and DMC zones within South Downtown, chargeable  
2 floor area in excess of the base FAR may be obtained only by qualifying for floor area bonuses  
3 pursuant to Sections 23.58A.024 and 23.49.013 or by the transfer of development rights pursuant  
4 to Section 23.49.014, or both, and only if the conditions of this subsection 23.49.011.A.2.n also  
5 are satisfied:

6                               1) The applicant shall make a commitment, approved by the  
7 Director as a Type I decision, that the proposed development will earn a LEED Silver rating or  
8 meet a substantially equivalent standard. When such a commitment is made, the provisions of  
9 Section 23.49.020 apply.

10                              2) The total amount of chargeable floor area gained through  
11 bonuses under Section 23.58A.024 or through use of Housing TDR from within South  
12 Downtown shall equal at least 75 percent of the amount by which the total chargeable floor area  
13 to be permitted on the lot exceeds the base FAR.

14                              3) Up to 25 percent of the chargeable floor area in excess of base  
15 FAR shall be gained by one or any combination of transferable development rights or public  
16 open space amenities, subject to the conditions and limits of this Section 23.49.011, Section  
17 23.49.013 and Section 23.49.014:

18                                       a) TDR that may be used on a lot in South Downtown are  
19 limited to South Downtown Historic TDR, open space TDR from within South Downtown, or  
20 any combination of these consistent with this chapter.

21                                       b) Amenities eligible for a bonus on a lot in South  
22 Downtown are limited to public open space amenities pursuant to Section 23.49.013.

3. The Master Use Permit application to establish any bonus development under this section shall include a calculation of the amount of bonus development sought and shall identify the manner in which the conditions to such bonus development shall be satisfied. The Director shall, at the time of issuance of any Master Use Permit decision approving any such bonus development, issue a Type I decision as to the amount of bonus development to be allowed and the conditions to such bonus development, which decision may include alternative means to achieve bonus development, at the applicant's option, if each alternative would be consistent with the provisions of this section and any other conditions of the permit, including Design Review if applicable.

B. Exemptions and Deductions from FAR Calculations.

1. The following are not included in chargeable floor area, except as specified below in this section:

a. Retail sales and service uses and entertainment uses in ~~((the))~~ DRC zones, up to a maximum FAR of two ~~((2))~~ for all such uses combined;

b. Street-level uses meeting the requirements of Section 23.49.009, Street-level use requirements, whether or not street-level use is required pursuant to Map 1G, if the uses and structure also satisfy the following standards:

~~((1))~~1) The street level of the structure containing the exempt space must have a minimum floor to floor height of ~~((thirteen-13))~~ 13 feet;

~~((1))~~2) The street level of the structure containing the exempt space must have a minimum depth of ~~((fifteen-15))~~ 15 feet;

1 ((f))3) Overhead weather protection is provided satisfying the  
2 provisions of Section 23.49.018.

3 c. Shopping atria in ((the)) DRC zones and adjacent areas shown on Map  
4 1J, provided that

5 ((f))1) The minimum area of the shopping atria shall be ((four  
6 thousand (4,000))) 4,000 square feet;

7 ((f))2) The eligibility conditions of the Downtown Amenity  
8 Standards are met; and

9 ((f))3) The maximum area eligible for a floor area exemption shall  
10 be ((twenty thousand (20,000))) 20,000 square feet;

11 d. Child care;

12 e. Human service use;

13 f. Residential use, except in the PMM and DH2 zones, and provided that  
14 allowable residential floor area is limited on lots from which TDP is transferred in accordance  
15 with Chapter 23.58A;

16 g. Live-work units, except in the PMM and DH2 zones;

17 h. Museums, provided that the eligibility conditions of the Downtown  
18 Amenity Standards are met;

19 i. The floor area identified as expansion space for a museum, where such  
20 expansion space satisfies the following:

21 ((f))1) The floor area that will contain the museum expansion  
22 space is owned by the museum or a museum development authority; and

1 ((c))2) The museum expansion space will be occupied by a  
2 museum, existing as of October 31, 2002, on a downtown zoned lot; and

3 ((c))3) The museum expansion space is physically designed in  
4 conformance with the Seattle Building Code standards for museum use either at the time of  
5 original configuration or at such time as museum expansion is proposed;

6 j. Performing arts theaters;

7 k. Floor area below grade;

8 l. Floor area that is used only for short-term parking or parking accessory  
9 to residential uses, or both, subject to a limit on floor area used wholly or in part as parking  
10 accessory to residential uses of one ((4)) parking space for each dwelling unit on the lot with  
11 the residential use served by the parking;  
12

13 m. Floor area of a public benefit feature that would be eligible for a bonus  
14 on the lot where the feature is located, other than a Landmark structure eligible pursuant to  
15 subsection 23.49.011.A.2.k or a small structure eligible pursuant to subsection 23.49.011.A.2.l.  
16 The exemption applies regardless of whether a floor area bonus is obtained, and regardless of  
17 maximum bonusable area limitations;  
18

19 n. Public restrooms;

20 o. Major retail stores in ((the)) DRC zones and adjacent areas shown on  
21 Map 1J, provided that:  
22

23 ((c))1) The minimum lot area for a major retail store development  
24 shall be ((twenty thousand (20,000))) 20,000 square feet;  
25  
26  
27  
28

1 ((f))2) The minimum area of the major retail store shall be ((eighty  
2 thousand (80,000))) 80,000 square feet;

3 ((f))3) The eligibility conditions of the Downtown Amenity  
4 Standards are met;

5 ((f))4) The maximum area eligible for a floor area exemption  
6 is((shall be two hundred thousand (200,000))) 200,000 square feet;

7  
8 ((f))5) The floor area exemption applies to storage areas, store  
9 offices, and other support spaces necessary for the store's operation;

10 p. Shower facilities for bicycle commuters; ((and))

11 q. Floor area, excluding floor area otherwise exempt, up to a maximum of  
12 ((twenty five thousand (25,000))) 25,000 square feet on any lot, within one or more Landmark  
13 structures for which a floor area bonus has been granted pursuant to subsection 23.49.011.A.2.k,  
14 or within one or more small structures for which a floor area bonus has been granted pursuant to  
15 subsection 23.49.011.A.2.l, or within any combination of such Landmark structures and such  
16 small structures, in each case only to the extent that the floor area satisfies the following criteria  
17 as determined by the Director:  
18

19 ((f))1) The floor area is interior space of historic or architectural  
20 interest designed to accommodate the original function of the structure, and maintaining the  
21 integrity of this space prevents it from being fully utilized as commercial floor area;

22 ((f))2) The floor area is occupied by such uses as public assembly  
23 or performance space, human services, or indoor public amenities, including atrium or lobby area  
24  
25  
26  
27  
28

available for passive indoor recreation use or for the display of art or other objects of scientific, social, historic, cultural, educational or aesthetic interest; and

((f))3) The floor area is open and accessible to the public without charge, on reasonable terms and conditions consistent with the nature of the space, during normal operating hours of the building((f));

r. up to 40,000 square feet of a streetcar maintenance base; and

s. up to 25,000 square feet of a community center in a DMR/C zone

within South Downtown that is open to the general public for a minimum of six hours per day five days per week 42 weeks per year.

2. As an allowance for mechanical equipment, ~~((three and one half (3 1/2)))~~ 3.5 percent shall be deducted in computing chargeable gross floor area. The allowance shall be calculated on the gross floor area after all exempt space permitted under subsection 23.49.011.B.1 has been deducted.

C. Rooftop mechanical equipment. Mechanical equipment located on the roof of a structure, whether enclosed or not, shall be calculated as part of the total gross floor area of the structure, except that for structures existing prior to June 1, 1989, new or replacement mechanical equipment may be placed on the roof and will not be counted in gross floor area calculations.

Section 9. Section 23.49.013 of the Seattle Municipal Code, which section was last amended by Ordinance [123046](#), is amended as follows:

**23.49.013 Bonus floor area for amenities((f))**



1           A. An applicant may achieve a portion of the chargeable floor area to be established in  
2 addition to base FAR through bonuses for amenities, subject to the limits in this chapter.

3 Amenities for which bonuses may be allowed are limited to:

4           1. Public open space amenities, including hillside terraces on sites shown as  
5 eligible for bonuses on Map 1J, urban plazas in DOC1, DOC2 and DMC 340/290-400 zones,  
6 parcel parks in DOC1, DOC2, DMC, ~~((and))~~DMR, and IDM zones, public atria in DOC1,  
7 DOC2, ~~((and))~~ DMC 340/290-400, and DMC 85/65-85(150) zones, green street improvements  
8 and green street setbacks on designated green streets;  
9

10           2. Hillclimb assists or shopping corridors on sites shown as eligible for these  
11 respective bonuses on Map 1J;  
12

13           3. Human services uses as follows:

- 14                   a. Information and referral for support services;  
15                   b. Health clinics;  
16                   c. Mental health counseling services;  
17                   d. Substance abuse prevention and treatment services;  
18                   e. Consumer credit counseling;  
19                   f. Day care services for adults;  
20                   g. Jobs skills training services;  
21

22           4. Public restrooms;

23           5. For projects in a DOC1, DOC2, or DMC 340~~((/))~~/290-400~~((/))~~ zone,  
24 ~~((restoration))~~ rehabilitation and preservation of Landmark performing arts theaters, provided  
25 that the following conditions are met:  
26  
27  
28

1 a. the theater contains space that was designed for use primarily as, or is  
2 suitable for use as, a performing arts theater;

3 b. the theater is located in a DOC1, DOC2, DRC, or DMC zone;

4 c. the theater is a designated Landmark pursuant to Chapter 25.12;

5 d. the theater is subject to an ordinance establishing an incentive and  
6 controls, or the owner of the theater executes, prior to the approval of a floor area bonus under  
7 any agreement with respect to such theater, an incentives and controls agreement approved by  
8 the City Landmarks Preservation Board;

9 e. the theater has, or will have upon completion of a proposed plan or  
10 rehabilitation, a minimum floor area devoted to performing arts theater space and accessory uses  
11 of at least ~~((twenty thousand (20,000)))~~ 20,000 square feet; and  
12

13 f. The theater will be available, for the duration of any commitment made  
14 to qualify for a floor area bonus, for live theater performances no fewer than ~~((one hundred  
15 eighty (180)))~~ 180 days per year; and  
16

17 6. Transit station access for fixed rail transit facilities.

18 B. Standards for Amenities

19 1. Location of Amenities. Amenities provided by the applicant by performance  
20 shall be located on the lot using the bonus, except as follows:  
21

22 a. Green street improvements may be located within an abutting right-of-  
23 way subject to applicable Director's rules.  
24  
25  
26  
27  
28

b. An open space amenity, other than green street improvements, may be on a lot other than the lot using the bonus, provided that it is within a Downtown zone and all of the following conditions are satisfied:

((f))1) The open space must be open to the general public without charge, must meet the eligibility conditions of the Downtown Amenity Standards, and must be one of the open space features cited in subsection 23.49.013.A.1 ~~((of this section))~~.

((f))2) The open space must be within ~~((one quarter (1/4)))~~ 1/4 mile of the lot using the bonus, except as may be permitted pursuant to subsection 23.49.013.B.1.b.4 ~~((f))~~.

((f))3) The open space must have a minimum contiguous area of ~~((five thousand (5,000)))~~ 5,000 square feet, except as may be permitted pursuant to subsection 23.49.013.B.1.b.4 ~~((f))~~.

((f))4) Departures from standards for the minimum size of off-site open space and maximum distance from the project may be allowed by the Director as a Type I decision if the Director determines that if such departures are approved, the proposed open space will meet the additional need for open space caused by the project, and improve public access to the open space compared to provision of the open space on-site.

((f))5) The owner of any lot on which off-site open space is provided to meet the requirements of this section shall execute and record an easement or other instrument in a form acceptable to the Director assuring compliance with the requirements of this section, including applicable conditions of the Downtown Amenity Standards.

1 c. Public restrooms shall be on a ground floor; shall satisfy all codes and  
2 accessibility standards; shall be open to the general public during hours that the structure is open  
3 to the public, although access may be monitored by a person located at the restroom facility;  
4 shall be maintained by the owner of the structure for the life of the structure that includes the  
5 bonused space; and shall be designated by signs sufficient so that they are readily located by  
6 pedestrians on an abutting street or public open space. The Director is authorized to establish  
7 standards for the design, construction, operation and maintenance of public restrooms qualifying  
8 for a bonus, consistent with the intent of this subsection 23.49.013.B.1.c to encourage the  
9 provision of accessible, clean, safe and environmentally sound facilities.  
10

11 2. Options for Provision of Amenities.

12 a. Amenities must be provided by performance except as expressly  
13 permitted in this ~~((S))~~ section. The Director may accept a cash payment for green street  
14 improvements and a related voluntary agreement from the applicant, subject to the provisions of  
15 this section, the Downtown Amenity Standards and the Green Street Director's Rule, DR 11-  
16 2007, if the Director determines that improvement of a green street abutting or in the vicinity of  
17 the lot within a reasonable time is feasible. The cash payment must be in an amount sufficient to  
18 improve fully ~~((one(1)))~~ 1 square foot of green street space for each ~~((five(5)))~~ 5 square feet of  
19 bonus floor area allowed for such payment. The cash payment shall be maintained in a restricted  
20 account and shall be used to improve a green street abutting or in the vicinity of the lot.  
21

22 b. ~~((Restoration))~~ Rehabilitation and preservation of a Landmark  
23 performing arts theater may consist of financial assistance provided by the applicant for  
24  
25  
26  
27  
28

rehabilitation work on a Landmark performing arts theater, or for retirement of the cost of improvements made after February 5, 1993, if:

((f))1) The assistance is provided pursuant to a linkage agreement between the applicant and the owner of the Landmark performing arts theater satisfactory to the Director, in which such owner agrees to use such financial assistance to complete such rehabilitation and agrees that the applicant is entitled to all or a portion of the bonus floor area that may be allowed therefor;

((f))2) The owner of the Landmark performing arts theater executes and records covenants enforceable by the City, agreeing to maintain the structure and the performing arts theater use, consistent with the Downtown Amenity Standards; and

((f))3) Prior to the issuance of any building permit after the first building permit for the project using the bonus, and in any event before any permit for any construction activity other than excavation and shoring issued for that project, unless the rehabilitation work has then been completed, the applicant posts security for completion of that work, consistent with the Downtown Amenity Standards.

### 3. Ratios and limits.

a. Amenities may be used to gain floor area according to the applicable ratios, and subject to the limits in Section 23.49.011 and in Table A for 23.49.013((A)).

**Table A for 23.49.013((A)) Downtown Amenities**

Amenity	Zone Location of Lots Eligible to Use Bonus							Bonus Ratio	Maximum square feet (SF) of floor area eligible for a bonus <u>or</u> <u>maximum floor area gain</u>
	DOC1	DOC2	DMC 340/290-400	DMC 125, DMC 160, <u>DMC 85/65-160,</u> and DMC 240/290-400	DRC	DMR	<u>IDM</u>		
Hillside Terrace	Only eligible for bonus at locations specified on Map 1J of Chapter 23.49							5:1	6,000 SF
Urban Plaza	X	X	X					5:1	15,000 SF
Commercial Parcel Park	X	X	X	X			<u>X</u>	5:1	7,000 SF
Residential Parcel Park			X	X		X	<u>X</u>	5:1	12,000 SF
Green Street Parcel Park	Eligible for bonus only on lots abutting a designated green street							5:1	7,000 SF
Public Atrium	X	X	X					5:1	5,500 SF
Green Street Improvement	Eligible for bonus only on lots abutting a designated green street							5:1	No limit
Green Street Setback	Lots abutting designated green street not subject to property line street wall requirement							1:1	10 times the length of lot's green street frontage
Hillclimb Assist	Only eligible for bonus at locations specified on Map 1J of Chapter 23.49							Not applicable	Maximum gain of 0.5 FAR
Shopping	Only eligible for bonus at locations specified on Map 1J of							5:1	7,200 SF

**Table A for 23.49.013((A)) Downtown Amenities**

Amenity	Zone Location of Lots Eligible to Use Bonus							Bonus Ratio	Maximum square feet (SF) of floor area eligible for a bonus <u>or</u> <u>maximum floor area gain</u>
	DOC1	DOC2	DMC 340/290-400	DMC 125, DMC 160, <u>DMC 85/65-160,</u> and DMC 240/290-400	DRC	DMR	<u>IDM</u>		
Corridor	Chapter 23.49								
Transit Station Access	X	X	X	X	X	X		Not applicable	Maximum gain of 1.0 FAR
Public Restroom	X	X	X	X	X	X		7:1	No limit
Human Services	X	X	X	X	X	X		7:1	10,000 SF
Preservation of Landmark Theater	X	X	X					Variable ; maximum of 12:1	Maximum gain of 1.0 FAR
"X" indicates that bonus is potentially available.									

b. Any bonus for (~~restoration~~) rehabilitation and preservation of a Landmark performing arts theater shall not exceed a maximum of one (~~(+1))~~ FAR. Such bonus may be allowed at a variable ratio, as described in the Downtown Amenity Standards, of up to (~~(twelve (12)))~~ 12 square feet of floor area granted per (~~(one (1)))~~ 1 square foot (12:1) of performing arts theater space rehabilitated by the applicant, or previously rehabilitated so as to

1 have a useful life at the time the bonus is allowed of no less than ~~((twenty (20)))~~ 20 years, in  
2 each case consistent with any controls applicable to the Landmark performing arts theater and  
3 any certificates of approval issued by the Landmarks Preservation Board. For purposes of this  
4 subsection, performing arts theater space shall consist only of the following: stage; audience  
5 seating; theater lobby; backstage areas such as dressing and rehearsal space; the restrooms for  
6 audience, performers and staff; and areas reserved exclusively for theater storage. For any  
7 Landmark performing arts theater from which TDR has been transferred, or that has received any  
8 public funding or subsidy for rehabilitation or improvements, the bonus ratio shall be limited,  
9 pursuant to a subsidy review, to the lowest ratio, as determined by the ~~((Housing Director))~~  
10 Director of Housing, such that the benefits of the bonus, together with the value of any TDR and  
11 any public funding or subsidy, are no more than the amounts reasonably necessary to make  
12 economically feasible:  
13

14  
15 ~~((1))~~1) The rehabilitation and preservation of the Landmark  
16 performing arts theater; and

17 ~~((2))~~2) Any replacement by the owner of such theater of low-  
18 income housing that is reasonably required to be eliminated from the lot of the Landmark  
19 performing arts theater to make rehabilitation, preservation and operation of the performing arts  
20 theater economically feasible.  
21

22 4. Downtown Amenity Standards.

23 a. The Director shall approve a feature for a bonus if the Director  
24 determines that the feature satisfies the eligibility conditions of the Downtown Amenity  
25



Standards, and that the feature carries out the intent of this ((§))Section 23.49.013 and the guidelines in the Downtown Amenity Standards.

b. The Director may allow departures from the eligibility conditions in the Downtown Amenity Standards as a Type I decision, if the applicant can demonstrate that the amenity better achieves the intent of the amenity as described in this chapter and the Downtown Amenity Standards, and that the departure is consistent with any applicable criteria for allowing the particular type of departure in the Downtown Amenity Standards.

c. The Director may allow departures from the eligibility conditions in the Downtown Amenity Standards as a Type I decision, to allow floor area in a Landmark structure satisfying the standards of ((§))subsection 23.49.011.A.2.k or in a small structure satisfying the standards of Section 23.49.011.A.2.l to qualify as floor area eligible for a bonus when adapted to serve as a hillclimb assist, museum, shopping corridor, or public atrium amenity.

d. The Director may condition the approval of a feature for a bonus as provided in the Downtown Amenity Standards.

5. Open Space Amenities. Open space amenities must be newly constructed on a lot in a Downtown zone in compliance with the applicable provisions of this chapter and the Downtown Amenity Standards.

6. Declaration. When amenities are to be provided on-site for purposes of obtaining bonus floor area, the owner shall execute and record a declaration in a form acceptable to the Director identifying the features and the fact that the right to develop and occupy a portion of the gross floor area on the site is based upon the long-term provision and maintenance of those amenities.

7. Duration; Alteration. All bonused amenities shall be provided and maintained in accordance with the applicable provisions of this section and the Downtown Amenity Standards for as long as the portion of the chargeable floor area gained by the amenities exists. A permit is required to alter or remove any bonused amenity.

Section 10. Section 23.49.014 of the Seattle Municipal Code, which section was last amended by Ordinance 123203, is amended as follows:

**23.49.014 Transfer of development rights(~~((TDR))~~)**

A. General Standards.

1. The following types of TDR may be transferred to the extent permitted in Table A for 23.49.014(~~((A))~~), subject to the limits and conditions in this Chapter:

- a. Housing TDR;
- b. DMC housing TDR;
- c. Landmark housing TDR;
- d. Landmark TDR; (~~and~~)
- e. Open space TDR;(~~((~~) and
- f. South Downtown Historic TDR.

2. In addition to transfers permitted under subsection 23.49.014.A.1, TDR may be transferred from any lot to another lot on the same block, as within-block TDR, to the extent permitted in Table A for 23.49.014(~~((A))~~), subject to the limits and conditions in this chapter.

3. A lot's eligibility to be either a sending or receiving lot is regulated by Table A for 23.49.014(~~((A))~~).

1                   4. Except as expressly permitted pursuant to this chapter, development rights or  
2 potential floor area may not be transferred from one lot to another.

3                   5. No permit after the first building permit, and in any event, no permit for any  
4 construction activity other than excavation and shoring or for occupancy of existing floor area by  
5 any use based upon TDR, will be issued for development that includes TDR until the applicant's  
6 possession of TDR is demonstrated according to rules promulgated by the Director to implement  
7 this section.  
8

**Table A for 23.49.014((A))**

	<b>TDR Transferable Within-block</b>	<b>Types of TDR Transferable Within or Between Blocks</b>				
<b>Zones<sup>1</sup></b>	<b>Transfer from any lot within the same Downtown block</b>	<b>Housing TDR</b>	<b>DMC Housing TDR</b>	<b>Landmark TDR and Landmark Housing TDR</b>	<b>Open Space TDR</b>	<b><u>South Downtown Historic TDR</u></b>
DOC1 and DOC2	S, R	S, R	X	S, R	S, R	<u>R</u>
DRC	S, R <sup>2</sup>	S, R <sup>2</sup>	X	S, R <sup>2</sup>	S, R <sup>2</sup>	<u>R</u>
DMC zones with maximum 10 FAR	S, R	S, R	S	S, R	S, R	<u>R</u>
DMC zones with maximum 7 FAR	S <sup>3</sup>	S, R	S, R	S, R	S, R	<u>R</u>
DMC 85((?))	X	S, R	X	S, R	S, R	<u>R</u>
DMC 65((?)) and DMC 85/65-85 (150)	X	S	X	S	S	<u>R</u>
DMR	X	S, R <sup>4</sup>	X	S, R <sup>4</sup>	S, R <sup>4</sup>	<u>R</u>
((IDM,)) IDR ((and PSM))	X	S	X	X	((X)) <u>S</u>	<u>X</u>
IDR/C	<u>X</u>	S	X	X	<u>S, R</u> <sup>5</sup>	
IDM	<u>X</u>	<u>S, R</u>	<u>X</u>	<u>X</u>	<u>S, R</u> <sup>5</sup>	<u>S, R</u>
PSM	<u>X</u>	<u>S</u>	<u>X</u>	<u>X</u>	<u>S</u> <sup>5</sup>	<u>S, R</u>

S = Eligible sending lot.

R = Eligible receiving lot.

X = Not permitted.

<sup>1</sup> Development rights may not be transferred to or from lots in the following zones: PMM; DH1 or DH2.

<sup>2</sup> Transfers to lots in((the)) DRC zones are permitted only from lots that also are zoned DRC.

**Table A for 23.49.014((A))**

	<b>TDR Transferable Within-block</b>	<b>Types of TDR Transferable Within or Between Blocks</b>				
<b>Zones<sup>1</sup></b>	<b>Transfer from any lot within the same Downtown block</b>	<b>Housing TDR</b>	<b>DMC Housing TDR</b>	<b>Landmark TDR and Landmark Housing TDR</b>	<b>Open Space TDR</b>	<b><u>South Downtown Historic TDR</u></b>

<sup>3</sup> Transfers are permitted only from lots zoned DMC to lots zoned DOC1.

<sup>4</sup> Transfers to lots in ~~((the))~~ DMR zones are permitted only from lots that also are zoned DMR except that transfer of TDR to a lot in a DMR zone located in South Downtown is permitted from any eligible sending lot in South Downtown.

<sup>5</sup> Transfers of open space TDR to lots in South Downtown are permitted only from lots that are also located in South Downtown.

## B. Standards for Sending Lots.

1. Maximum transferable floor area except from lots in South Downtown. The provisions of this subsection 23.49.014.B.1 apply to sending lots that are not in South Downtown.

a. The maximum amount of floor area that may be transferred, except as open space TDR, Landmark TDR, or Landmark housing TDR, from an eligible sending lot (~~except a sending lot in the PSM or IDM zones~~), is the amount by which the product of the eligible lot area times the base FAR of the sending lot, as provided in Section 23.49.011, exceeds the sum of any chargeable gross floor area existing or, if a DMC housing TDR site, to be developed on the sending lot, plus any TDR previously transferred from the sending lot.

b. The maximum amount of floor area that may be transferred from an eligible open space TDR site is the amount by which the product of the eligible lot area times the

1 base FAR of the sending lot, as provided in Section 23.49.011, exceeds the sum of (a) any  
2 existing chargeable gross floor area that is built on or over the portion of the sending lot that is  
3 not made ineligible by ((S))subsection 23.49.017.C, plus (b) the amount, if any, by which the  
4 total of any other chargeable floor area on the sending lot exceeds the product of the base FAR of  
5 the sending lot, as provided in Section 23.49.011, multiplied by the difference between the total  
6 lot area and the eligible lot area, plus (c) any TDR previously transferred from the sending lot.  
7

8 c. The maximum amount of floor area that may be transferred from an  
9 eligible Landmark housing TDR site is the amount by which the product of the eligible lot area  
10 times the base FAR of the sending lot, as provided in Section 23.49.011, exceeds TDR  
11 previously transferred from the sending lot, if any.  
12

13 d. The maximum amount of floor area that may be transferred from an  
14 eligible Landmark TDR site, when the chargeable floor area of the landmark structure is less  
15 than or equal to the base FAR permitted in the zone, is equivalent to the base FAR of the sending  
16 lot, minus any TDR that have been previously transferred. For landmark structures having  
17 chargeable floor area greater than the base FAR of the zone, the amount of floor area that may be  
18 transferred is limited to an amount equivalent to the base FAR of the sending lot minus the sum  
19 of (i) any chargeable floor area of the landmark structure exceeding the base FAR and (ii) any  
20 TDR that have been previously transferred.  
21

22 e. For purposes of this subsection 23.49.014.B.1, the eligible lot area is  
23 the total area of the sending lot, reduced by the excess, if any, of the total of accessory surface  
24 parking over 1/4 of the total area of the footprints of all structures on the sending lot; and for an  
25  
26  
27  
28

open space TDR site, further reduced by the area of any portion of the lot ineligible under  
~~((S))~~ subsection 23.49.017.C.

2. TDR from lots in South Downtown. The provisions of this subsection  
23.49.014.B.2 apply to sending lots in South Downtown.

a. If the sending lot is located in a PSM or IDM zone, then subject to any  
lower limit under this subsection 23.49.014.B.2, the gross floor area that may be transferred is  
~~((6-FAR))~~ six times the lot area, minus the sum of any existing chargeable floor area ~~((and any  
floor area in residential use on the sending lot,))~~ and further reduced by any TDR previously  
transferred from the sending lot.

b. If the sending lot is not located in a PSM or IDM zone, then subject to  
any lower limit under this subsection 23.49.014.B.2, the gross floor area that may be transferred  
is the amount by which the product of the eligible lot area times the base FAR of the sending lot,  
as provided in Section 23.49.011, exceeds the sum of any chargeable floor area existing on the  
sending lot, plus any TDR previously transferred from the sending lot.

c. The cumulative amount of housing TDR transferred from any lot in  
South Downtown shall not exceed three times the lot area.

d. The cumulative amount of open space TDR transferred from any lot in  
South Downtown is shall not exceed three times the lot area.

e. The cumulative amount of South Downtown Historic TDR transferred  
from any lot shall not exceed three times the lot area.

f. A cumulative combined amount of TDR and TDP transferred from any  
lot in South Downtown shall not exceed six times the lot area.

1                    g. For purposes of this subsection 23.49.014.B.2, the eligible lot area is  
2 the total area of the sending lot, reduced by the excess, if any, of the total of accessory surface  
3 parking over 1/4 of the total area of the footprints of all structures on the sending lot; and for an  
4 open space TDR site, further reduced by any portion of the lot ineligible under subsection  
5 23.49.017.C.

6                    3. Effect of transfer in zones with base FAR limits. If TDR are transferred from  
7 a sending lot in a zone with a base FAR limit, except an IDM zone, the amount of chargeable  
8 ((gross)) floor area that may then be built on the sending lot is equal to the amount by which the  
9 area of the lot, multiplied by the applicable base FAR limit set in Section 23.49.011, ((minus))  
10 exceeds the total of:

11                    a. The existing chargeable floor area on the lot; plus

12                    b. The amount of gross floor area transferred from the lot.

13                    4. Effect of transfer in PSM and IDM zones.

14                    a. If TDR are sent from a sending lot in a PSM zone, the ((combined))  
15 maximum chargeable floor area ((and residential floor area)) that may then be established on the  
16 sending lot is equal to the amount by which the total gross floor area that could have been built  
17 on the sending lot consistent with applicable development standards as determined by the  
18 Director had no TDR been transferred, ((less)) exceeds the sum of:

19                    1) ((a.)) The existing chargeable floor area on the lot; plus

20                    2) ((b.)) The ((amount of)) gross floor area of TDR ((that was))  
21 transferred from the lot.



b. When TDR are transferred from a sending lot in an IDM zone,  
chargeable floor area that may then be established on the sending lot shall not exceed:

1) the amount by which the applicable base FAR limit in Section 23.49.011, multiplied by the lot area, exceeds the sum of:

a) The existing chargeable floor area on the lot; plus

b) The gross floor area of combined TDR and TDP

transferred from the lot.

5. TDR from lots with more than base FAR not allowed; exception. Gross floor area allowed above base FAR under any bonus provisions of this title or the former Title 24, or allowed under any exceptions or waivers of development standards, may not be transferred. TDR may be transferred from a lot that contains chargeable floor area exceeding the base FAR only if the TDR are from an eligible Landmark TDR site, consistent with subsection 23.49.014.B.1.c above, or to the extent, if any, that:

a. TDR were previously transferred to such lot in compliance with the Land Use Code provisions and applicable rules then in effect;

b. Those TDR, together with the base FAR under Section 23.49.011, exceed the chargeable floor area on the lot and any additional chargeable floor area for which any permit has been issued or for which any permit application is pending; and

c. The excess amount of TDR previously transferred to such lot would have been eligible for transfer from the original sending lot under the provisions of Section 23.49.014 at the time of their original transfer from that lot.

6. Rehabilitation of Landmark structures and contributing structures. Landmark structures on sending lots from which Landmark TDR or Landmark housing TDR are transferred shall be ~~((restored))~~ rehabilitated and maintained as required by the Landmarks Preservation Board. Contributing structures under section 23.66.032 on sending lots from which South Downtown Historic TDR are transferred shall be rehabilitated and maintained as required by the Director of Neighborhoods upon recommendation by the International Special Review District Board or the Pioneer Square Preservation Board.

7. Rehabilitation of housing. Housing on lots from which housing TDR are transferred shall be rehabilitated to the extent required to provide decent, sanitary and habitable conditions, in compliance with applicable codes, and so as to have an estimated minimum useful life of at least 50 years from the time of the TDR transfer, as approved by the Director of ~~((the Office of))~~ Housing. Landmark buildings on lots from which Landmark housing TDR are transferred shall be rehabilitated to the extent required to provide decent, sanitary and habitable housing, in compliance with applicable codes, and so as to have an estimated minimum useful life of at least 50 years from the time of the TDR transfer, as approved by the Director of ~~((the Office of))~~ Housing and ~~((the Landmarks Preservation Board))~~ Director of Neighborhoods. If housing TDR or Landmark housing TDR are proposed to be transferred prior to the completion of work necessary to satisfy this subsection 23.49.014.B.7, the Director of ~~((the Office of))~~ Housing may require, as a condition to such transfer, that security be deposited with the City to ensure the completion of such work.

8. Low-income housing units. The housing units on a lot from which housing TDR, Landmark housing TDR, or DMC housing TDR are transferred, and that are committed to

low-income housing use as a condition to eligibility of the lot as a TDR sending lot, shall be generally comparable in their average size and quality of construction to other housing units in the same structure, in the judgment of the ~~((Housing))~~ Director of Housing, after completion of any rehabilitation or construction undertaken in order to qualify as a TDR sending lot.

9. Standards for eligibility as a South Downtown Historic TDR sending lot.

a. In order to be eligible to transfer South Downtown Historic TDR, a lot must contain a structure that includes at least 5,000 gross square feet in above-grade space and was finally determined to be a contributing structure under Section 23.66.032.

b. Contributing structures on a sending lot from which South Downtown Historic TDR are transferred shall be rehabilitated and maintained as required by the Director of Neighborhoods.

c. As a condition to finally allow the transfer of South Downtown Historic TDR from a lot, the applicant must certify that the contributing structure continues to meet any conditions identified by the Director of Neighborhoods pursuant to subsection 23.66.032.C within no more than three years prior to the recordation of the deed conveying the TDR from the sending lot.

d. South Downtown Historic TDR shall not be transferred from a lot from which South Downtown Historic TDP has been transferred or from a lot on which any extra floor area has been established based on the presence of a contributing structure.

C. Limit on within-block TDR. Any receiving lot is limited to a gain of ~~((fifteen (15)))~~ 15 percent of the floor area above the first increment of FAR above the base FAR, as specified in

subsection 23.49.011.A.2.a, from TDR from sending lots that are eligible to send TDR solely because they are on the same block as the receiving lot.

D. Transfer of Development Rights Deeds and Agreements.

1. The fee owners of the sending lot shall execute a deed with the written consent of all holders of encumbrances on the sending lot, unless (in the case of TDR from a housing TDR site, Landmark housing TDR site or DMC housing TDR site) such consent is waived by the Director (~~of the Office~~) of Housing for good cause, which deed shall be recorded in the King County real property records. When TDR are conveyed to the owner of a receiving lot described in the deed, then unless otherwise expressly stated in the deed or any subsequent instrument conveying such lot or the TDR, the TDR shall pass with the receiving lot whether or not a structure using such TDR shall have been permitted or built prior to any conveyance of the receiving lot. Any subsequent conveyance of TDR previously conveyed to a receiving lot shall require the written consent of all parties holding any interest in or lien on the receiving lot from which the conveyance is made. If the TDR are transferred other than directly from the sending lot to the receiving lot using the TDR, then after the initial transfer, all subsequent transfers also shall be by deed, duly executed, acknowledged and recorded, each referring by King County recording number to the prior deed. Any deed conveying any South Downtown Historic TDR from the sending lot shall include a sworn certification by the grantor to the effect that one or more structures on the sending lot have been finally determined to be contributing structures pursuant to Section 23.66.032, and that since the date of such determination there have been no material changes to any contributing structure on the sending lot, except pursuant to a certificate of approval specifically stating that the authorized change will not affect the status of the

1 structure as a contributing structure. Any false certification by the grantor in a deed under this  
2 subsection 23.49.014.D.1 is a violation of this title.

3           2. Any person may purchase any TDR that are eligible for transfer by complying  
4 with the applicable provisions of this section, whether or not the purchaser is then an applicant  
5 for a permit to develop downtown real property. Any purchaser of such TDR (including any  
6 successor or assignee) may use such TDR to obtain chargeable floor area above the applicable  
7 base on a receiving lot to the extent such use of TDR is permitted under the Land Use Code  
8 provisions in effect on the date of vesting, under applicable law, of such person's rights with  
9 respect to the issuance of permits for development of the project intended to use such TDR. The  
10 Director may require, as a condition of processing any permit application using TDR or for the  
11 release of any security posted in lieu of a deed for TDR to the receiving lot, that the owner of the  
12 receiving lot demonstrate that the TDR have been validly transferred of record to the receiving  
13 lot, and that such owner has recorded in the real estate records a notice of the filing of such  
14 permit application, stating that such TDR are not available for retransfer.  
15

16           3. For transfers of housing TDR, Landmark housing TDR, or DMC housing  
17 TDR, the owner of the sending lot shall execute and record an agreement, with the written  
18 consent of all holders of encumbrances on the sending lot, unless such consent is waived by the  
19 Director of Housing ~~((of the Office of Housing))~~ for good cause, to provide for the maintenance  
20 of the required housing on the sending lot for a minimum of ~~((fifty (50)))~~ 50 years. Such  
21 agreement shall commit to limits on rent and occupancy, consistent with the definition of  
22 housing TDR site, Landmark housing TDR site, or DMC housing TDR site, as applicable, and  
23 acceptable to the Director of ~~((the Office of))~~ Housing.  
24  
25  
26  
27  
28

1                   4. For transfers of Landmark TDR or Landmark housing TDR, the owner of the  
2 sending lot shall execute and record an agreement in form and content acceptable to the  
3 Landmarks Preservation Board providing for the ~~((restoration))~~ rehabilitation and maintenance of  
4 the historically significant features of the structure or structures on the lot.

5                   5. For transfers of South Downtown Historic TDR, the owner of the sending lot  
6 shall execute and record an agreement in form and content acceptable to the Director of  
7 Neighborhoods in consultation with the International Special Review District Board or the  
8 Pioneer Square Preservation Board providing for the rehabilitation and maintenance of  
9 historically or architecturally significant features of a contributing structure or structures on the  
10 lot.

11  
12                   ~~((5))~~6. A deed conveying TDR may require or permit the return of the TDR to  
13 the sending lot under specified conditions, but notwithstanding any such provisions:  
14

15  
16                   a. The transfer of TDR to a receiving lot shall remain effective so long as  
17 any portion of any structure for which a permit was issued based upon such transfer remains on  
18 the receiving lot; and  
19

20                   b. The City shall not be required to recognize any return of TDR unless it  
21 is demonstrated that all parties in the chain of title have executed, acknowledged and recorded  
22 instruments conveying any interest in the TDR back to the sending lot and any lien holders have  
23 released any liens thereon.  
24  
25  
26  
27  
28

1                   ((6))7. Any agreement governing the use or development of the sending lot shall  
2 provide that its covenants or conditions shall run with the land and shall be specifically  
3 enforceable by The City of Seattle.

4           E. TDR Sales Before Base FAR Increases and Changes in Exemptions. Except for  
5 transfers of TDR from a sending lot with a major performing arts facility, transfers of TDR from  
6 any lot from which a TDR transfer was made prior to August 26, 2001 (~~the effective date of~~  
7 ~~Ordinance 120443~~)) are limited to the amount of TDR available from such lot immediately prior  
8 to ~~((such))~~ that date.

10           F. Projects Developed Under Prior Code Provisions.

11                   1. Any project that is developed pursuant to a master use permit issued under the  
12 provisions of this title as in effect prior to August 26, 2001 (~~the effective date of Ordinance~~  
13 ~~120443~~)), which permit provides for the use of TDR, may use TDR that were transferred from  
14 the sending lot consistent with such prior provisions prior to August 26, 2001 (~~such effective~~  
15 ~~date~~)).

17                   2. In addition or in the alternative, such a project may use TDR that are  
18 transferred from a sending lot after August 26, 2001 (~~the effective date of Ordinance 120443~~)).

19                   3. The use of TDR by any such project must be consistent with the provisions of  
20 this title applicable to the project, including any limits on the range of FAR in which a type of  
21 TDR may be used, except that open space TDR may be used by such a project in lieu of any  
22 other TDR or any bonus, or both, allowable under such provisions.

24           G. TDR Satisfying Conditions to Transfer Under Prior Code.

1                   1. If the conditions to transfer Landmark TDR, as in effect immediately prior to  
2     August 26, 2001 (~~((the effective date of Ordinance 120443))~~), are satisfied on or before December  
3     31, 2001, such TDR may be transferred from the sending lot in the amounts eligible for transfer  
4     as determined under the provisions of this title in effect immediately prior to August 26, 2001  
5     (~~((the effective date of Ordinance 120443))~~). If the conditions to transfer housing TDR are  
6     satisfied prior to August 26, 2001 (~~((the effective date of Ordinance 120443))~~) under the  
7     provisions of this title then in effect, such TDR may be transferred from the sending lot in the  
8     amounts eligible for transfer immediately prior to that (~~((effective))~~) date. If the conditions to  
9     transfer TDR from a major performing arts facility are satisfied prior to August 26, 2001 (~~((the~~  
10    ~~effective date of Ordinance 120443))~~) under the provisions of this Title then in effect, TDR may  
11    be transferred from the sending lot after that (~~((effective))~~) date, for use on any receiving lots in  
12    zones where housing TDR may be used according to Table A for 23.49.014 (~~((A))~~) or as provided  
13    in Section 23.50.053, in an amount as determined under subsection 23.49.014.B (~~((of this~~  
14    ~~section))~~), provided that the cumulative amount of TDR that may be transferred after June 1, 2005  
15    from any sending lot based on the presence of a major performing arts facility is limited to (~~((one~~  
16    ~~hundred fifty thousand (150,000))~~) 150,000 square feet.

17                   2. For purposes of this subsection, conditions to transfer include, without  
18                   limitations, the execution by the owner of the sending lot, and recording in the King County real  
19                   property records, of any agreement required by the provisions of this title or the Public Benefit  
20                   Features Rule in effect immediately prior to August 26, 2001 (~~((the effective date of Ordinance~~  
21    ~~120443))~~), but such conditions do not include any requirement for a master use permit application  
22    for a project intending to use TDR, or any action connected with a receiving lot. TDR



transferable under this subsection 23.49.014.G are eligible either for use consistent with the terms of Section 23.49.011 or Section 23.50.051 or for use by projects developed pursuant to permits issued under the provisions of this title in effect prior to August 26, 2001 (~~the effective date of Ordinance 120443~~). The use of TDR transferred under this subsection 23.49.014.G on the receiving lot shall be subject only to those conditions and limits that apply for purposes of the master use permit decision for the project using the TDR.

H. Time of Determination of TDR Eligible for Transfer. Except as stated in subsection 23.49.014.G, the eligibility of a sending lot to transfer TDR, and the amount transferable from a sending lot, shall be determined as of the date of transfer from the sending lot and shall not be affected by the date of any application, permit decision or other action for any project seeking to use such TDR.

I. Use of Previously Transferred TDR by New Projects. Any project using TDR according to applicable limits on types and amounts of TDR in Section 23.49.011 may use TDR that were transferred from the sending lot consistent with the provisions of this title in effect at the time of such transfer. For purposes of this subsection 23.49.014.I, the owner of TDR that were transferred based upon a housing commitment accepted by the City shall be entitled to have such TDR considered as housing TDR.

Section 11. The title and subsection A.1 of Section 23.49.015 of the Seattle Municipal Code, which section was last amended by [Ordinance 123209](#), are amended as follows:

**23.49.015 Bonus residential floor area in DOC1, DOC2 and DMC zones outside South Downtown for voluntary agreements for low-income housing and moderate-income housing((+))**

A. General Provisions.

1  
2 1. The purpose of this section is to encourage residential development in addition  
3 to that authorized by basic zoning regulations ("bonus development"), provided that certain  
4 adverse impacts from the bonus development are mitigated. This Section 23.49.015 does not  
5 apply within South Downtown. "Basic zoning regulations" for purposes of this section are the  
6 provisions of Section 23.49.008 that determine base height limits for residential use in ((~~DOC-~~  
7 4)) DOC1, ((~~DOC-2~~)) DOC2 and DMC zones, and for DMC zones, the provisions of Section  
8 23.49.058 that determine the maximum average floor area per story. The City has determined  
9 that one impact of high-rise residential development is an increased need for low-income  
10 housing and moderate-income housing ((~~downtown~~)) to house the families of workers having  
11 lower paid jobs who serve the residents of such development. The City also finds that DOC((-  
12 ))1, DOC((-)2, and DMC zones are areas in which increased residential development will assist  
13 in achieving local growth management and housing policies, and has determined that increased  
14 residential development capacity and height of residential structures can be achieved within these  
15 zones, subject to consideration of other regulatory controls on development. The City Council  
16 finds that in the case of affordable housing for rental occupancy, use of the income level for low-  
17 income housing rather than a lower level is necessary to address local housing market conditions,  
18 and that in the case of affordable housing for owner occupancy, higher income levels than those  
19 for low-income housing are needed to address local housing market conditions. The City hereby  
20 adopts the extension of the authority of RCW 36.70A.540, as amended ((~~Chapter 149, Laws of~~  
21 ~~2006 of the State of Washington, to the bonus development program under this Section~~  
22 ~~23.49.015~~)), and enacts this Section pursuant to such authority, in addition to the City's

preexisting authority. To the extent that any provision of this Section or the application thereof to any project for which a Master Use Permit application is considered under the Land Use Code as in effect after June 7, 2006 (~~((the effective date of Section 2 of Chapter 149, Laws of 2006))~~) would conflict with any requirement of RCW 36.70A.540, as it may be amended (~~((that statute))~~), the terms of this Section 23.49.015 shall be deemed modified to conform to the applicable requirements of (~~((Section 2 of Chapter 149, Laws of 2006))~~) RCW 36.70A.540.

\*\*\*

Section 12. The title and subsection C of Section 23.49.019 of the Seattle Municipal Code, which section was last amended by [Ordinance 123209](#), are amended as follows:

**23.49.019 Parking quantity, location and access requirements, and screening and landscaping of surface parking areas((,))**

\*\*\*

C. Maximum Parking Limit for Nonresidential Uses.

1. Except as provided in subsection 23.49.019.C.2 below, parking for nonresidential uses is limited to a maximum of one parking space per (~~((one thousand (1,000)))~~) 1,000 square feet.

2. More than one (~~((4))~~) parking space per (~~((one thousand (1,000)))~~) 1,000 square feet of nonresidential use may be permitted as a special exception pursuant to Chapter 23.76. When deciding whether to grant a special exception, the Director shall consider evidence of parking demand and alternative means of transportation, including but not limited to the following:

1 a. Whether the additional parking will substantially encourage the use of  
2 single occupancy vehicles;

3 b. Characteristics of the work force and employee hours, such as multiple  
4 shifts that end when transit service is not readily available;

5 c. Proximity of transit lines to the lot and headway times of those lines;

6 d. The need for a motor pool or large number of fleet vehicles at the site;

7 e. Proximity to existing long-term parking opportunities downtown which  
8 might eliminate the need for additional parking on the lot;

9 f. Whether the additional parking will adversely affect vehicular and  
10 pedestrian circulation in the area;

11 g. Potential for shared use of additional parking as residential or short-  
12 term parking ((-));

13 h. The need for additional short-term parking to support shopping in the  
14 retail core or retail activity in other areas where short-term parking is limited((-));

15 i. Whether the area is located at the edge of the Downtown Urban Center  
16 where available short-term parking and transit service is limited.

17 \*\*\*

18 Section 13. Section 23.49.020 of the Seattle Municipal Code, which section was last  
19 amended by [Ordinance 123215](#), is amended as follows:

20 **23.49.020 Demonstration of LEED Silver rating((-))**

21 A. Applicability. This section applies whenever a commitment to earn a LEED Silver  
22 rating or substantially equivalent standard is a condition of a permit.

1           B. The Director is authorized to determine, as a Type I decision, whether the applicant  
2 has demonstrated that a new structure has earned a LEED Silver rating or met a substantially  
3 equivalent standard. The Director may establish by rule procedures for determining whether an  
4 applicant has demonstrated that a new structure has earned a LEED Silver rating or met any such  
5 substantially equivalent standard, provided that no rule shall assign authority for making a final  
6 determination to any person other than an officer of the Department of Planning and  
7 Development or another City agency with regulatory authority and expertise in green building  
8 practices.

10  
11           ((B))C. Demonstration of Compliance; Penalties.

12           1. The applicant shall demonstrate to the Director the extent to which the  
13 applicant has complied with the commitment to earn a LEED Silver rating no later than ((ninety  
14 ~~(90))~~) 90 days after issuance of final Certificate of Occupancy for the new structure, or such later  
15 date as may be allowed by the Director for good cause, by submitting a report analyzing the  
16 extent credits earned toward such rating from the U.S. Green Building Council or another  
17 independent entity approved by the Director. For purposes of this section, if the Director shall  
18 have approved a commitment to achieve a substantially equivalent standard, the term "LEED  
19 Silver rating" shall mean such other standard.

20  
21           2. Failure to submit a timely report regarding a LEED Silver rating from an  
22 approved independent entity by the date required is a violation of the Land Use Code. The  
23 penalty for such violation shall be ((Five Hundred Dollars (\$500)) \$500 per day from the date  
24

when the report was due to the date it is submitted, without any requirement of notice to the applicant.

3. Failure to demonstrate, through an independent report as provided in this subsection, full compliance with the applicant's commitment to earn a LEED Silver rating, is a violation of the Land Use Code. The penalty for each violation is an amount determined as follows:

$$P = [(LSM-CE)/LSM] \times CV \times 0.0075,$$

where:

P is the penalty;

LSM is the minimum number of credits to earn a LEED Silver rating;

CE is the number of credits earned as documented by the report; and

CV is the Construction Value as set forth on the building permit for the new structure.

Example:

Construction Value	\$200,000,000.00
Minimum LEED Credits for Silver rating	33
Credits Earned	32
Penalty = $[(33-32)/33] \times 200,000,000 \times .0075 =$	\$45,454.55

4. Failure to comply with the applicant's commitment to earn a LEED Silver rating is a violation of the Land Use Code independent of the failure to demonstrate compliance; however, such violation shall not affect the right to occupy any chargeable floor area, and if a penalty is paid in the amount determined under subsection 23.49.020.C.3 (~~(B3 of this section)~~), no additional penalty shall be imposed for the failure to comply with the commitment.

1                   5. If the Director determines that the report submitted provides satisfactory  
2 evidence that the applicant's commitment is satisfied, the Director shall issue a certificate to the  
3 applicant so stating. If the Director determines that the applicant did not demonstrate compliance  
4 with its commitment to earn a LEED Silver rating in accordance with this section, the Director  
5 may give notice of such determination, and of the calculation of the penalty due, to the applicant.

6                   6. If, within (~~ninety (90)~~) 90 days, or such longer period as the Director may  
7 allow for good cause, after initial notice from the Director of a penalty due under subsection  
8 23.49.020.C (~~(this subsection)~~), the applicant shall demonstrate, through a supplemental report  
9 from the independent entity that provided the initial report, that it has made sufficient alterations  
10 or improvements to earn a LEED Silver rating, or to earn more credits toward such a rating, then  
11 the penalty owing shall be eliminated or recalculated accordingly. The amount of the penalty as  
12 so re-determined shall be final. If the applicant does not submit a supplemental report in  
13 accordance with this subsection by the date required under this subsection, then the amount of  
14 the penalty as set forth in the Director's original notice shall be final.

15                   7. Any owner, other than the applicant, of any lot on which the bonus  
16 development was obtained or any part thereof, shall be jointly and severally responsible for  
17 compliance and liable for any penalty due under subsection 23.49.020.C (~~(this subsection)~~).

18                   (~~(€)~~)D. Use of Penalties. A subfund shall be established in the City's General Fund to  
19 receive revenue from penalties under subsection 23.49.020.C (~~(of this section)~~). Revenue from  
20 penalties under that subsection shall be allocated to activities or incentives to encourage and  
21 promote the development of sustainable buildings. The Director shall recommend to the Mayor  
22 and City Council how these funds should be allocated.

Section 14. The title and subsection A of Section 23.49.022 of the Seattle Municipal Code, which section was last amended by Ordinance 118409, are amended as follows:

**23.49.022 Minimum sidewalk and alley width((:))**

A. ~~((Except in PMM, PSM, IDM, and IDR zones, m))~~ Minimum sidewalk widths are established for certain streets by Map 1C. When a new structure is proposed on lots abutting these streets, sidewalks shall be widened, if necessary, to meet the minimum standard. The sidewalk may be widened into the right-of-way if approved by the Director of Transportation. On a street within the International Special Review District for which a sidewalk width is designated on Map 1C, that sidewalk width may be modified as approved by the Director of Neighborhoods if it is determined that a modified sidewalk width would better meet the goals and objectives of the International Special Review District as identified in Section 23.66.302.

\*\*\*

Section 15. A new Section 23.49.023 is added to subchapter I of Chapter 23.49 of the Seattle Municipal Code, as follows:

**23.49.023. Extra residential floor area in South Downtown; transferable development potential (TDP); limits on TDP sending sites.**

A. Zones where extra residential floor area may be allowed. In South Downtown, extra residential floor area, as defined in subsection 23.58A.004.B is permitted in DMC, DMR, IDM, and IDR zones and in PSM zones except the PSM 85-120 zone according to the provisions of this Section 23.49.023 and Chapter 23.58A. In the IDM 75/85-150 zone, in a residential project, floor area above a base height limit may be gained as extra residential floor area as provided in this Section 23.49.023. Additionally, for a mixed use project that combines



1 residential use and hotel use in the IDM 75/85-150 zone, floor area above a base height limit  
2 may be gained as extra residential floor area under the provisions of this Section 23.49.023 and  
3 subsection 23.49.208.E.

4 B. Means to achieve extra residential floor area. If the maximum height limit for  
5 residential use is 85 feet or lower, the applicant shall use housing bonus residential floor area, as  
6 defined in subsection 23.58A.004.B, to achieve all extra residential floor area on the lot. If the  
7 maximum height limit for residential use is greater than 85 feet, the applicant shall use housing  
8 bonus residential floor area, as defined in subsection 23.58A.004.B, to achieve 60 percent of the  
9 total extra residential floor area on the lot. To the extent permitted under the provisions of the  
10 zone, the applicant shall achieve 40 percent of extra residential floor area through one or both of  
11 the following programs:  
12

13 1. bonus residential floor area for amenities pursuant to Section  
14 23.58A.016; and/or  
15

16 2. transfer of residential development potential pursuant to Section  
17 23.58A.018((-)); and/or  
18

19 3. bonus residential floor area for contributing structures pursuant to  
20 subsection 23.49.023.C.

21 C. Bonus floor area for contributing structures in IDM and IDR zones. On a lot  
22 that is located within an IDM or IDR zone and that includes one or more contributing structures  
23 under Section 23.66.032, an amount of extra residential floor area up to the equivalent gross  
24 floor area within the contributing structure or structures, including floor area below grade that is  
25  
26  
27  
28

rehabilitated as part of the structure, may be used to achieve up to 40 percent of extra residential floor area on the lot if all the following conditions are met:

a. The contributing structure is rehabilitated and maintained as required by the Director of the Department of Neighborhoods upon recommendation by the International Special Review District Board.

b. No South Downtown Historic TDR or TDP has been previously transferred from the lot of the contributing structure.

D. Transferable Development Potential (TDP).

1. Open space TDP may be transferred from a lot in any zone in South Downtown, subject to Section 23.58A.018, but only to a lot in South Downtown that is eligible to use TDP.

2. South Downtown Historic TDP may be transferred from a lot in any zone within the Pioneer Square Preservation District or the International Special Review District, subject to Section 23.58A.018, but only to a lot in South Downtown that is eligible to use TDP.

E. Limits on TDP Sending Sites.

1. Development on any lot from which TDP is transferred is limited as stated in Section 23.58A.018, any other provision of this title notwithstanding.

2. Lot coverage on any lot from which open space TDP is transferred is limited pursuant to subsection 23.58A.018.E.3.

F. LEED Silver rating. For new structures in PSM, IDM, DMR and DMC zones within South Downtown that include extra residential floor area pursuant to Chapter 23.58A, the applicant shall make a commitment satisfactory to the Director that the proposed development

1 shall earn a LEED Silver rating or meet a substantially equivalent standard approved by the  
2 Director as a Type I decision. When such commitment is made, the provisions of Section  
3 23.49.020 shall apply.

4 Section 16. A new Section 23.49.031 of the Seattle Municipal Code is added, as follows:

5 **23.49.031 Green Factor Landscaping in South Downtown**

6 In South Downtown, a lot on which there is new construction of 20,000 square feet or  
7 more in gross floor area shall meet a minimum Green Factor score of 0.30, calculated pursuant to  
8 Section 23.86.019, except that the Green Factor requirement may be modified by the Director, as  
9 a Type I decision, in consultation with the Director of Neighborhoods if the Director determines  
10 that the requirement would adversely affect historically or architecturally significant features of a  
11 contributing structure.  
12

13  
14 Section 17. Section 23.49.044 of the Seattle Municipal Code, which section was last  
15 amended by Ordinance 122311, is amended as follows:

16 **23.49.044 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed**  
17 **Commercial prohibited uses((=))**

18 The following uses are prohibited as both principal and accessory uses in DOC1, DOC2,  
19 and DMC zones, or where a single zone classification is specified, in zones with that  
20 classification only:  
21

22 A. Drive-in businesses, except gas stations located in parking garages;

23 B. Outdoor storage;

24 C. All general and heavy manufacturing uses;

25 D. Solid waste management;  
26

E. Recycling, except in DMC zones in South Downtown;

F. All high-impact uses;

G. In DMC zones, adult motion picture theaters and adult panorams; and

H. Principal use parking garages for long-term parking.

Section 18. Section 23.49.045 of the Seattle Municipal Code, which section was last amended by Ordinance 122054, is amended as follows:

**23.49.045 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial principal and accessory parking((:))**

The provisions of this section apply in DOC1, DOC2, and DMC zones. DMC zoned areas within the International Special Review District are subject to Chapter 23.66. In the event that there are any conflicts between the provisions of this section and the provisions of Chapter 23.66, the provisions of Chapter 23.66 supersede.

**A. Principal Use Parking.**

1. Principal use parking garages for short-term parking may be permitted as conditional uses, pursuant to Section 23.49.046.

2. In DOC1 zones, principal use long-term and short-term surface parking areas are prohibited. In DOC2 and DMC zones, principal use long-term and short-term surface parking areas may be permitted as administrative conditional uses in areas shown on Map 1I, pursuant to Section 23.49.046.

**B. Accessory Parking.**

1 1. Accessory parking garages for both long-term and short-term parking are  
2 permitted outright, up to the maximum parking limit established by Section 23.49.019(~~(, Parking~~  
3 ~~quantity, access and screening/landscaping requirements))~~).

4 2. Accessory surface parking areas are:

5 a. Permitted outright in areas shown on Map 1I when containing a total of  
6 ~~((twenty-20)))~~ 20 or fewer parking spaces on the lot; and  
7

8 b. Permitted as administrative conditional uses pursuant to Section  
9 23.49.046 when located in areas shown on Map 1I on a lot containing more than ~~((twenty-20)))~~  
10 20 parking spaces; and

11 c. Prohibited in areas not shown on Map 1I ~~((;))~~;

12 d. Replacement of a short-term surface parking area, existing as of  
13 December 31, 2009, is permitted outright when the original location and new location are both  
14 located in a DMC zone in South Downtown as shown on Map 1I, and when the existing and  
15 replacement parking are accessory to the same principal use.  
16

17 3. Temporary principal and accessory surface parking areas may be permitted as  
18 conditional uses pursuant to Section 23.49.046.

19 Section 19. Subsections G and H of Section 23.49.046 of the Seattle Municipal Code,  
20 which section was last amended by Ordinance 123046, are amended as follows:

21 **23.49.046 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed**  
22 **Commercial conditional uses and Council decisions~~((;))~~**  
23

24 The provisions of this section apply in DOC1, DOC2 and DMC zones.  
25

26 \*\*\*  
27

1 G. Work-release centers may be permitted as Council conditional uses, except where  
2 prohibited in the International Special Review District, based on the following criteria:

3 1. Maximum Number of Residents. No work-release center shall house more than  
4 ~~((fifty (50)))~~ 50 persons, excluding resident staff.

5 2. Dispersion Criteria.

6 a. The lot line of any new or expanding work-release center shall be  
7 located ~~((six hundred (600)))~~ 600 feet or more from any residential zone, any lot line of any  
8 special residence, and any lot line of any school.

9 b. The lot line of any new or expanding work-release center shall be  
10 located ~~((one (1)))~~ 1 mile or more from any lot line of any other work-release center.

11 c. The Director shall determine whether a proposed facility meets the  
12 dispersion criteria from maps which shall note the location of current work-release centers and  
13 special residences. Any person who disputes the accuracy of the maps may furnish the Director  
14 with the new information and, if determined by the Director to be accurate, this information shall  
15 be used in processing the application.

16 3. The Council's decision shall be based on the following criteria:

17 a. The extent to which the applicant can demonstrate the need for the new  
18 or expanded facility in the City, including a statement describing the public interest in  
19 establishing or expanding the facility;

20 b. The extent to which the applicant has demonstrated that the facility can  
21 be made secure. The applicant shall submit a proposed security plan to the Director, and the  
22

Director, in consultation with the Seattle Police Department, shall consider and evaluate the plan.

The security plan shall address, but is not limited to, the following:

~~((i))~~ 1) Plans to monitor and control the activities of residents, including methods to verify the presence of residents at jobs or training programs, policies on sign-outs for time periods consistent with the stated purpose of the absence for unescorted trips by residents away from the center, methods of checking the records of persons sponsoring outings for work-release residents, and policies on penalties for drug or alcohol use by residents, and

~~((ii))~~ 2) Staff numbers, level of responsibilities, and scheduling, and

~~((iii))~~ 3) Compliance with the security standards of the American Corrections Association;

c. The extent to which proposed lighting is located so as to minimize spillover light on surrounding properties while maintaining appropriate intensity and hours of use to ensure security is maintained;

d. The extent to which the facility's landscape plan meets the requirements of the zone while allowing visual supervision of the residents of the facility;

e. The extent to which appropriate measures are taken to minimize noise impacts on surrounding properties. Measures to be used for this purpose may include: landscaping, sound barriers or fences, berms, location of refuse storage areas, and limiting the hours of use of certain areas;

1 f. The extent to which the impacts of traffic and parking are mitigated by  
2 increasing on-site parking or loading spaces to reduce overflow vehicles or changing the access  
3 to and location of off-street parking;

4 g. The extent to which the facility is well-served by public transportation  
5 or to which the facility is committed to a program of encouraging the use of public or private  
6 mass transportation;

7 h. Verification from the Department of Corrections (DOC), which shall  
8 be reviewed by the Police Department, that the proposed work-release center meets DOC  
9 standards for such facilities, and that the facility will meet State laws and requirements.

10 H. Jails may be permitted as Council conditional uses, except where prohibited within  
11 the International Special Review District. The Council's decision shall be based on the following  
12 criteria:  
13

14 1. The extent to which the applicant can demonstrate the need for the new or  
15 expanding facility in the City, including a statement describing the public interest in establishing  
16 or expanding the facility;

17 2. The extent to which the applicant can demonstrate that the proposed location is  
18 functionally necessary to the criminal justice system;

19 3. The extent to which the applicant can demonstrate that the new or expanding  
20 facility does not create or further advance a level of institutionalization which is harmful to the  
21 surrounding community.

22 Section 20. Section 23.49.056 of the Seattle Municipal Code, which section was last  
23 amended by Ordinance 123046, is amended as follows:  
24



**23.49.056 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed**

**Commercial street facade, landscaping, and street setback requirements((:))**

Standards ((for the street facades of structures)) are established in this section for DOC1, DOC2, and DMC zones, for the following elements:

Minimum facade heights;

Setback limits;

Facade transparency;

Blank facade limits;

Street trees; ((and))

Setback and Landscaping Requirements in the Denny Triangle Urban Village((:)); and

Mid-block corridor setbacks.

These standards apply to each lot line that abuts a street designated on Map 1F as having a pedestrian classification, except lot lines of open space TDR sites, and apply along other lot lines and circumstances as expressly stated. The standards for each street frontage shall vary according to the pedestrian classification of the street on Map 1F, and whether property line facades are required by Map 1H. Standards for street landscaping and setback requirements in subsection 23.49.056.F ((G of this section)) also apply along lot lines abutting streets in the Denny Triangle Urban Village, as shown on Exhibit 23.49.056 F.

**A. Minimum Facade Height.**

1. Minimum facade height(s) are prescribed in the ((\*))Table A for 23.49.056 below, and Exhibit 23.49.056 A, but minimum facade heights shall not apply when all portions of the structure are lower than the elevation of the required minimum facade height listed below.

**Table A for 23.49.056: Minimum Façade Height**

Street Classification	Minimum Façade Height* within Designated Zone
Streets Requiring Property Line Facades	DOC1, DOC2, DMC: 35 feet
Class I Pedestrian Streets	DOC 1, DOC 2: 35 feet DMC: 25 feet
Class II Pedestrian Streets	DOC 1, DOC 2: 25 feet DMC: 15 feet
Designated Green Streets	DOC1, DOC2, DMC: 25 feet
*Except as provided in subsection ((A2)) <u>23.49.056.A.2</u> regarding view corridor requirements.	

2. On designated view corridors specified in Section 23.49.024, the minimum facade height is the maximum height permitted in the required setback, when it is less than the minimum facade height required in subsection ((A1 of this section)) 23.49.056.A.1.

**B. Façade Setback Limits.**

1. Setback Limits for Property Line Facades. The following setback limits shall apply to all streets designated on Map 1H as requiring property line facades.

a. The facades of structures ((fifteen-(15))) 15 feet or less in height shall be located within ((two-(2))) 2 feet of the street ((property)) lot line.

b. Structures greater than ((fifteen-(15))) 15 feet in height shall be governed by the following criteria:

((f))1 No setback limits shall apply up to an elevation of ((fifteen-(15))) 15 feet above sidewalk grade.

((ii.)) b) Setbacks between the elevations of ((fifteen (15)))  
15 and ((thirty-five (35))) 35 feet above sidewalk grade at the ((property)) lot line shall be  
permitted according to the following standards, as depicted in Exhibit 23.49.056 B:

-- The total area of a facade that is setback more than ~~((two (2)))~~ 2 feet from the street ~~((property))~~ lot line shall not exceed ~~((forty (40)))~~ 40 percent of the total facade area between the elevations of ~~((fifteen (15)))~~ 15 and ~~((thirty-five (35)))~~ 35 feet.

-- The facade of the structure shall return to within ~~((two~~  
~~((2)))~~ 2 feet of the street ~~((property))~~ lot line between each setback area for a minimum of ~~((ten~~  
~~((10)))~~ 10 feet. Balcony railings and other nonstructural features or walls shall not be considered  
the facade of the structure.

Form Last Revised on December 17, 2008

2. General Setback Limits. The following setback limits apply on streets not requiring property line facades, as shown on Map 1H:

a. The portion of a structure subject to setback limits shall vary according to the structure height and required minimum facade height, as follows:

((1))1 Except as provided in subsection 23.49.056.C.2.a.3 ((C2a(3) of this section)), when the structure is greater than ((fifteen (15))) 15 feet in height, the setback limits apply to the facade between an elevation of ((fifteen (15))) 15 feet above sidewalk grade and the minimum facade height established in subsection 23.49.056.A ((A of this section)) and Exhibit 23.49.056 C.

((2))2 When the entire structure is ((fifteen (15))) 15 feet or less in height, the setback limits apply to the entire street-facing facade.

((3))3 When the minimum facade height is ((fifteen (15))) 15 feet, the setback limits apply to the portion of the street-facing facade that is ((fifteen (15))) 15 feet or less in height.

b. The maximum area of all setbacks between the lot line and facade along each street frontage of a lot shall not exceed the area derived by multiplying the averaging factor by the width of the street frontage of the structure along that street (see Exhibit 23.49.056 D). The averaging factor ((shall be)) is five ((5)) on Class I pedestrian streets and ten ((10)) on Class II pedestrian streets and designated green streets.

c. The maximum width, measured along the street ((property)) lot line, of any setback area exceeding a depth of ((fifteen (15))) 15 feet from the street ((property)) lot line

shall not exceed ~~((eighty (80)))~~ 80 feet, or ~~((thirty (30)))~~ 30 percent of the lot frontage on that street, whichever is less. (See Exhibit 23.49.056 D.)

d. The maximum setback of the facade from the street ~~((property))~~ lot lines at intersections shall be ~~((ten (10)))~~ 10 feet. The minimum distance the facade must conform to this limit ~~((shall be twenty (20)))~~ is 20 feet along each street. (See Exhibit 23.49.056 E.)

e. Any exterior public open space that meets the Downtown Amenity Standards, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of a setback. (See Exhibit 23.49.056 C.)

f. ~~((When))~~ Where a sidewalk is widened~~((widening))~~ into the lot as a condition to development~~((is required by Section 23.49.022))~~, setback standards shall be measured to the line established by the new sidewalk width rather than the street ~~((property))~~ lot line.

#### C. Facade Transparency Requirements.

1. Facade transparency requirements apply to the area of the facade between ~~((two (2)))~~ 2 feet and ~~((eight (8)))~~ 8 feet above the sidewalk, except that when the slope along the street frontage of the facade exceeds ~~((seven and one half (7 1/2)))~~ 7.5 percent, the transparency requirements apply to the area of the facade between ~~((four (4)))~~ 4 feet and ~~((eight (8)))~~ 8 feet above sidewalk grade. Only clear or lightly tinted glass in windows, doors, and display windows is considered to be transparent. Transparent areas shall allow views into the structure or into display windows from the outside.

2. Facade transparency requirements do not apply to portions of structures in residential use.

3. When the transparency requirements of this subsection are inconsistent with the glazing limits in the Energy Code, this subsection shall apply to the extent permitted by applicable law.

4. Transparency requirements are as follows:

a. Class I pedestrian streets and designated green streets: A minimum of ~~((sixty (60)))~~ 60 percent of the street level street-facing facade shall be transparent.

b. Class II pedestrian streets: A minimum of ~~((thirty (30)))~~ 30 percent of the street level street-facing facade shall be transparent.

c. Where the slope along the street frontage of the facade exceeds ~~((seven and one half (7 1/2)))~~ 7.5 percent, the required amount of transparency shall be reduced to ~~((fifty (50)))~~ 50 percent on Class I pedestrian streets and designated green streets and ~~((twenty-five (25)))~~ 25 percent on Class II pedestrian streets.

#### D. Blank Facade Limits.

##### 1. General Provisions.

a. Blank facade limits apply to the area of the facade between ~~((two (2)))~~ 2 feet and ~~((eight (8)))~~ 8 feet above the sidewalk, except that where the slope along the street frontage of the facade exceeds ~~((seven and one half (7 1/2)))~~ 7.5 percent, blank facade limits apply to the area of the facade between ~~((four (4)))~~ 4 feet and ~~((eight (8)))~~ 8 feet above sidewalk grade.

b. Any portion of a facade that is not transparent shall be considered to be a blank facade.

c. Blank facade limits do not apply to portions of structures in residential use.

2. Blank Facade Limits for Class I Pedestrian Streets and ~~((4))~~ Designated Green Streets.

a. Blank facades shall be no more than ~~((fifteen (15)))~~ 15 feet wide except for garage doors, which may exceed ~~((fifteen (15)))~~ 15 feet. Blank facade width may be increased to ~~((thirty (30)))~~ 30 feet if the Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or similar features that have visual interest. The width of garage doors shall be limited to the width of the driveway plus ~~((five (5)))~~ 5 feet.

b. Any blank segments of the facade shall be separated by transparent areas at least ~~((two (2)))~~ 2 feet wide.

c. The total of all blank facade segments, including garage doors, shall not exceed ~~((forty (40)))~~ 40 percent of the street facade of the structure on each street frontage, or ~~((fifty (50)))~~ 50 percent if the slope of the street frontage of the facade exceeds ~~((seven and one-half (7 1/2)))~~ 7.5 percent.

3. Blank Facade Limits for Class II Pedestrian Streets.

a. Blank facades shall be no more than ~~((thirty (30)))~~ 30 feet wide, except for garage doors, which may exceed ~~((thirty (30)))~~ 30 feet. Blank facade width may be increased to ~~((sixty (60)))~~ 60 feet if the Director in a Type I decision determines that the facade is enhanced

by architectural detailing, artwork, landscaping, or similar features that have visual interest. The width of garage doors shall be limited to the width of the driveway plus ~~((five-(5)))~~ 5 feet.

b. Any blank segments of the facade shall be separated by transparent areas at least ~~((two-(2)))~~ 2 feet wide.

c. The total of all blank facade segments, including garage doors, shall not exceed ~~((seventy-(70)))~~ 70 percent of the street facade of the structure on each street frontage; or ~~((seventy-five-(75)))~~ 75 percent if the slope of the street frontage of the facade exceeds ~~((seven and one-half-(7 1/2)))~~ 7.5 percent.

E. Street Tree Requirements. Street trees are required on all streets abutting a lot. When areaways are located beneath the sidewalk, the street trees shall be planted in below-grade containers with provisions for watering the trees. Street trees shall be planted according to The City of Seattle Street Tree Planting Standards identified in the Right-of-Way Improvements Manual.

F. Setback and Landscaping Requirements for Lots Located Within the Denny Triangle Urban Village.

1. Landscaping in the Street Right-of-Way for All Streets Other Than Those With Green Street Plans Approved by Director's Rule. All new development in DMC zones in the Denny Triangle Urban Village, as shown on Exhibit 23.49.056 F, shall provide landscaping in the sidewalk area of the street right-of-way, except on streets with a Green Street plan approved by Director's Rule. The square footage of landscaped area provided shall be at least ~~((one and one-half-(1 1/2)))~~ 1.5 times the length of the street ~~((property))~~ lot line (in linear feet). The following standards apply to the required landscaped area:



1 a. The landscaped area shall be at least ~~((eighteen (18)))~~ 18 inches wide  
2 and shall be located in the public right-of-way along the entire length of the street ~~((property))~~ lot  
3 line, except for building entrances, vehicular access or other connections between the sidewalk  
4 and the lot, provided that the exceptions may not exceed ~~((fifty (50)))~~ 50 percent of the total  
5 length of the street ~~((property))~~ lot line(s).

6 b. As an alternative to locating the landscaping at the street ~~((property))~~ lot  
7 line, all or a portion of the required landscaped area may be provided in the sidewalk area within  
8 ~~((five (5)))~~ 5 feet of the curblane.

9 c. Landscaping provided within ~~((five (5)))~~ 5 feet of the curblane shall be  
10 located and designed in relation to the required street tree planting and be compatible with use of  
11 the curb lane for parking and loading.

12 d. All plant material shall be planted directly in the ground or in  
13 permanently installed planters where planting in the ground is not feasible. A minimum of ~~((fifty~~  
14 ~~((50)))~~ 50 percent of the plant material shall be perennial.

15 2. Landscaping on a Designated Green Street. Where required landscaping is on a  
16 designated Green Street, or on a street with urban design and/or landscaping guidelines  
17 promulgated by Seattle Department of Transportation, the planting shall conform to ~~((these~~  
18 ~~provisions))~~ designs identified in the Right-of-Way Improvements Manual.

19 3. Landscaping in Setbacks.

20 a. In the Denny Triangle Urban Village, as shown on Exhibit 23.49.056 F  
21 at least ~~((twenty (20)))~~ 20 percent of the total square footage of all areas abutting the street  
22 ~~((property))~~ lot line that are not covered by a structure, have a depth of ~~((ten (10)))~~ 10 feet or

more from the street ~~((property))~~ lot line and are larger than ~~((three hundred (300)))~~ 300 square feet, shall be landscaped. Any area under canopies or marquees is considered uncovered. Any setback provided to meet the minimum sidewalk widths established by Section 23.49.022 is exempt from the calculation of the area to be landscaped.

b. All plant material shall be planted directly in the ground or in permanently installed planters where planting in the ground is not feasible. A minimum of ~~((fifty (50)))~~ 50 percent of the plant material shall be perennial and shall include trees when a contiguous area, all or a portion of which is landscaped pursuant to subsection 23.49.056.F.((G))1.a above, exceeds ~~((six hundred (600)))~~ 600 square feet.

#### 4. Terry and 9th Avenues Green Street Setbacks.

a. In addition to the requirements of subsections ~~((G2 and G3))~~ 23.49.056.F.2 and 23.49.056.F.3 of this section, a ~~((two (2)))~~ 2 foot wide setback from the street property line is required along the Terry and 9th Avenue Green Streets within the Denny Triangle Urban Village as shown on Exhibit 23.49.056 F. The Director may allow averaging of the setback requirement of this subsection to provide greater conformity with an adopted Green Street plan.

b. Fifty ~~((50))~~ percent of the setback area must be landscaped.

#### G. Mid-block corridor setback

On lots located in DMC zones in South Downtown, required setbacks from mid-block corridors, not including the open space identified in subsection 23.58A.016.F.4.h, are shown on Table B for 23.49.056, as follows:

<b><u>Table B for 23.49.056: Setbacks on mid-block corridors in DMC Zones For Buildings Greater than 65 Feet in Height in South Downtown</u></b>	
<u>Height of Portion of Structure</u>	<u>Required Setback</u>
<u>45 feet to 85 feet</u>	<u>10 feet</u>
<u>Greater than 85 feet up to 150 feet</u>	<u>(H – 85 feet) x .2 + 10 feet, where H equals the highest point of the portion of the structure located within 120 feet of the mid-block corridor, in feet.</u>
No setback required if all portions of a structure are 65 feet in height or less	

Section 21. A new Section 23.49.059 of the Seattle Municipal Code is added as follows:

**23.49.059 Downtown Mixed Commercial standards for lots abutting green streets in South  
Downtown**

In South Downtown, lots zoned DMC abutting a designated green street are subject to the following standards:

A. Any grocery store use greater than 50,000 square feet and any other retail use greater than 25,000 square feet in size must be separated from the green street by another use for a minimum of 75((%)) percent of the lot frontage abutting the green street.

B. For grocery stores greater than 50,000 square feet and other retail uses greater than 25,000 square feet, the following features are prohibited within 25 feet of the lot line abutting a green street except as provided in subsection 23.49.059.C:

1. loading facilities or access to loading facilities;
2. access to vehicle parking.

C. As a Type I decision, the Director may allow one or more of the features identified in subsection 23.49.059.B to be located within 300 feet of Rainier Avenue South if no feasible

alternative location is available due to the slope of the lot, and if the feature is designed in such a way as to minimize impacts on pedestrian use of the green street.

Section 22. Section 23.49.140 of the Seattle Municipal Code, which section was enacted by Ordinance 112303, is amended as follows:

**23.49.140 General provisions((=))**

All property zoned Downtown Mixed Residential (DMR) shall be designated as either Downtown Mixed Residential/Residential (DMR/R) or Downtown Mixed Residential/Commercial (DMR/C) on the Official Land Use Map, Chapter 23.32.

Section 23. A new Section 23.49.143 of the Seattle Municipal Code is added, as follows:

**23.49.143 Downtown Mixed Residential, size of use limits in South Downtown**

In DMR zones located in South Downtown, general sales and services uses and eating and drinking establishments are limited to a maximum size of 25,000 square feet, except that the size limit for grocery stores is 50,000 square feet. These limits apply to the total size of each use located on one or more lots.

Section 24. Section 23.49.146 of the Seattle Municipal Code, which section was amended by Ordinance 122054, is amended as follows:

**23.49.146 Downtown Mixed Residential, principal and accessory parking((=))**

A. Principal Use Parking.

1. Principal use parking garages for long-term and short-term parking (~~shall be~~) are prohibited in DMR zones except that principal use parking garages for short-term parking may be permitted as an administrative conditional use in South Downtown outside the

International Special Review District pursuant to Section 23.49.019, or within the International Special Review District pursuant to Section 23.66.324.

2. Principal use surface parking areas (~~(shall be)~~) are prohibited, except that temporary principal use surface parking areas in DMR/C areas may be permitted as conditional uses pursuant to Section 23.49.148.

B. Accessory Parking.

1. Accessory parking garages for both long-term and short-term parking are permitted outright, when located on the same lot as the use that they serve, up to the maximum parking limit established by Section 23.49.019. (~~(, Parking quantity, access and screening/landscaping requirements.))~~) Parking garages providing accessory parking for residential uses, which include the residential portion of live-work units, located on another lot may be permitted as conditional uses pursuant to Section 23.49.148. Parking garages providing accessory parking for nonresidential uses located on another lot are prohibited.

2. Accessory surface parking areas are:

a. Prohibited in DMR/R areas;

b. Permitted (~~(outright)~~) in DMR/C areas outside the International Special Review District when containing (~~(twenty (20))~~) 20 or fewer parking spaces; (~~(or)~~)

c. Permitted as a conditional use in DMR/C areas outside the International Special Review District when containing more than (~~(twenty (20))~~) 20 parking spaces, pursuant to Section 23.49.148; (~~(or)~~) or

d. Permitted in DMR/C zones in the International Special Review District in South Downtown, pursuant to Section 23.66.324.

Section 25. Section 23.49.156 of the Seattle Municipal Code, which section was enacted by Ordinance 112303, is amended as follows:

**23.49.156 Downtown Mixed Residential, minimum lot size((;))**

A. The provisions of this subsection 23.49.156.A apply to DMR zones outside of South Downtown.

1. The ~~((There shall be a))~~ minimum lot size is ~~((of nineteen thousand (19,000)))~~ 19,000 square feet for any structure over ~~((one hundred twenty five (125)))~~ 125 feet high.

~~((B))~~2. To meet the minimum lot size requirement, a lot may be combined with one ~~((4))~~ or more abutting lots, whether occupied by existing structures or not, provided that:

~~((1))~~a. The total area of the combined lots meets the minimum lot size requirement;

~~((2))~~b. All lots have frontage on the same avenue;

~~((3))~~c. Any existing structure does not exceed a height of ~~((one hundred twenty five (125)))~~ 125 feet;

~~((4))~~d. The lot coverage of both the proposed and any existing structures ~~((meets the))~~ does not exceed applicable lot coverage limits ~~((established))~~ in Section 23.49.158; and

~~((5))~~e. The fee owners of the abutting lot(s) ~~((shall))~~ execute a deed or other agreement, ~~((which shall be))~~ recorded with the County Recorder as an encumbrance on ~~((with the title to))~~ the abutting lot(s) ~~((lots))~~, ~~((which))~~ that restricts future development of the abutting lot(s) to a maximum height of ~~((one hundred twenty five (125)))~~ 125 feet for the life of the proposed structure; and ~~((which))~~ that precludes the use of the abutting lot(s) in combination

with any abutting lots for purposes of meeting the minimum lot size requirements for any other lot ((of this section)).

B. The provisions of this subsection 23.49.156.B apply within DMR zones in South Downtown.

1. The minimum lot size for any structure greater than 85 feet in height is 40,000 square feet.

2. To meet the minimum lot size requirement, a lot may be combined with one or more abutting lots, whether occupied by existing structures or not, provided that the total area of the combined lots meets the minimum lot size requirement and the lot coverage of the proposed and any existing structures does not exceed the applicable lot coverage limits in Section 23.49.158.

Section 26. Section 23.49.158 of the Seattle Municipal Code, which section was enacted by Ordinance 112303, is amended as follows:

**23.49.158 Downtown Mixed Residential, coverage and floor size limits((:))**

**A. Coverage.**

1. Except on lots located in the DMR/R ~~((eighty-five (85 foot height district)))~~ 85/65 zone, and except as provided in subsection 23.49.158.C, portions of structures above ((an elevation of sixty-five (65))) 65 feet shall ((meet)) not exceed the following coverage limits on Table A for 23.49.158:

~~((Percent of Coverage Permitted  
By Lot Size))~~

**Table A for 23.49.158**  
**Percent of Coverage Permitted by Lot Size**

<del>((Elevation))</del> <b>Height of Portion of Structure</b> <del>((in feet))</del>	<b>0-- 19,000 Square Feet</b>	<b>19,001-- 25,000 Square Feet</b>	<b>25,001-- 38,000 Square Feet</b>	<b>Greater Than 38,000 Square Feet</b>
<del>((0--))</del> <b>65 feet or less</b>	100%	100%	100%	100%
<b>Greater than 6</b> <del>((6))</del> <b>5 feet up to</b> <del>((--))</del> <b>85 feet</b>	75%	65%	55%	45%
<b>Greater than 8</b> <del>((6))</del> <b>5 feet up to</b> <del>((--))</del> <b>125 feet</b>	65%	55%	50%	40%
<b>Greater than 12</b> <del>((6))</del> <b>5 feet up to</b> <del>((--))</del> <b>240 feet</b>	Not applicable	45%	40%	35%

2. In order to meet the coverage limits, a lot may be combined with one ~~((4))~~ or more abutting lots, whether occupied by existing structures or not, provided that:

a. The coverage of all structures on the lots ~~((meets))~~ does not exceed any of the applicable limits set in this subsection 23.49.158.A; and

b. The fee owners of the abutting lot(s) ~~((shall))~~ execute a deed or other agreement, ~~((which shall be))~~ recorded with the King County Recorder as an encumbrance on ~~((the title to))~~ the lots, ~~((which))~~ that restricts future development so that in combination with the other lots, the coverage limits ~~((shall))~~ will not be exceeded.

B. ~~((Floor))~~ Story Size. Each story ~~((floor))~~ in portions of structures above ~~((an elevation of one hundred twenty-five (125)))~~ 125 feet shall have a maximum gross floor area of ~~((eight thousand (8,000)))~~ 8,000 square feet.

C. In South Downtown, the following coverage limits apply:



1. For structures up to 85 feet in height, coverage limits are shown on Table B for

23.49.158:

Table B for 23.49.158 Percent Coverage Permitted by Height Range For Structures up to 85 feet in height in South Downtown	
Height of portion of structure	Percent of lot coverage permitted
65 feet or less	No limit
Greater than 65 feet up to 85 feet	75%

2. For buildings over 85 feet in height, portions of structures above 65 feet in height are limited to 50 percent lot coverage.

Section 27. Subsection F of Section 23.49.162 of the Seattle Municipal Code, which section was last amended by Ordinance 122054, is amended as follows:

**23.49.162 Downtown Mixed Residential, street facade requirements((:))**

\*\*\*

**F. Landscaping Requirements.**

1. Street Tree Requirements. Street trees shall be required on all streets abutting a lot. Whe((n))re areaways ((are)) are located beneath the sidewalk, the street trees shall be planted in below-grade containers with provisions for watering the trees. Street trees shall be planted according to Seattle Department of Transportation Tree Planting Standards identified in the Right-of-Way Improvements Manual.

2. Landscaping in the Street Right-of-way where Green Factor standards do not apply. ((All n)) New development that is not required to achieve a Green Factor score shall provide landscaping in the sidewalk area of the street right-of-way. The square feet of landscaped area provided shall be at least ~~((one and one half (1 1/2)))~~ 1.5 times the length of the

street ~~((property))~~ lot line. The following standards ~~((shall))~~ apply to the required landscaped area:

a. The landscaped area shall be at least ~~((eighteen (18)))~~ 18 inches wide and shall be located in the public right-of-way along the entire length of the street ~~((property))~~ lot line.

b. Exceptions shall be allowed for building entrances, vehicular access or other connections between the sidewalk and the lot, but ~~((in no case shall))~~ exceptions shall not exceed ~~((fifty (50)))~~ 50 percent of the total length of the street ~~((property))~~ lot line(s).

c. As an alternative to locating the landscaping at the street lot ~~((property))~~ line, all or a portion of the required landscaped area may be provided ~~((in the sidewalk))~~ within ~~((five (5)))~~ 5 feet of the curbline.

d. Landscaping provided within ~~((five (5)))~~ 5 feet of the curbline shall be located and designed in relation to the required street tree planting and take into consideration use of the curb lane for parking and loading.

e. ~~((A))~~ Landscaping shall result in a minimum unobstructed sidewalk width of ~~((five (5)))~~ 5 feet on east/west streets and ~~((eight (8)))~~ 8 feet on avenues ~~((shall be provided.))~~, except that in South Downtown, a minimum unobstructed sidewalk width of 5 feet on avenues and 8 feet on streets shall be provided.

f. All plant material shall be planted directly in the ground. A minimum of ~~((fifty (50)))~~ 50 percent of the plant material shall be perennial.

g. Where the required landscaping is on a designated green street or street with urban design and/or landscaping guidelines promulgated by Seattle Department of

Transportation, the planting shall be in conformance with those ~~((provisions))~~ documents as identified by the Right of Way Improvements Manual.

3. Landscaping in Setbacks where Green Factor standards do not apply. The provisions of this subsection 23.49.162.F.3 apply to development that is not required to achieve a Green Factor score.

a. At least ~~((Twenty))~~ 20 percent of areas on the street ~~((property))~~ lot line that are not covered by a structure, ~~((which))~~ that have a depth of ~~((ten-(10)))~~ 10 feet or more from the street ~~((property))~~ lot line and are larger than ~~((three-hundred-(300)))~~ 300 square feet, shall be landscaped. Any area under canopies or marquees ~~((shall-be))~~ is considered uncovered. Any setback provided to meet the minimum sidewalk widths established by Section 23.49.022(~~((shall-be))~~ is exempt from the calculation of the area to be landscaped.

b. All plant material shall be planted directly in the ground or in permanently installed planters. A minimum of ~~((fifty-(50)))~~ 50 percent of the plant material shall be perennial and shall include trees when the setback area exceeds ~~((six-hundred-(600)))~~ 600 square feet.

Section 28. A new Section 23.49.163 of the Seattle Municipal Code is added, as follows:

**23.49.163 Standards for facades along mid-block corridors.**

On a lot where a mid-block corridor is used to gain extra floor area or additional height, or both, a facade that faces the mid-block corridor is subject to the following standards:

A. The facade shall include at least one principal entrance to the structure or a principal entrance to a use consistent with Section 23.49.009 for every 100 linear feet of building façade

1 facing the corridor. If the façade is less than 100 feet in width, then one required entrance shall  
2 be provided.

3 B. The structure shall be set back along the length of the corridor in accordance with side  
4 setback requirements pursuant to subsection 23.49.166.A.

5 C. Blank façade limits apply to the area of the façade facing the mid-block corridor  
6 between 2 feet and 8 feet above the grade of the corridor; except that where the slope along the  
7 corridor exceeds 7.5 percent averaged over any segment of at least 20 feet intervals, the blank  
8 façade limits apply to the area of the façade between 4 and 8 feet above grade within that  
9 segment.  
10

11 1. Blank facades are limited to segments of 30 feet or less, except that the width  
12 of a blank façade segment may be increased to up to 60 feet if the Director determines, as a Type  
13 I decision, that the façade is enhanced by architectural detailing, artwork, landscaping, or similar  
14 features that have visual interest.  
15

16 2. Any blank segments of the façade shall be separated by segments at least 2  
17 feet wide.  
18

19 3. The total of all blank façade segments, including garage doors, shall not  
20 exceed 70 percent of the façade of the structure facing the mid-block corridor; or 75 percent if  
21 the slope of the corridor along the frontage of the façade exceeds 7.5 percent measured at any  
22 segment of at least 20 feet.

23 Section 29. Section 23.49.164 of the Seattle Municipal Code, which section was  
24 amended by Ordinance 122054, is amended as follows:  
25  
26  
27  
28

**23.49.164 Downtown Mixed Residential, maximum structure width and separation requirements**

A. Width Limits. Except as provided in subsections 23.49.164.B, and 23.49.164.C and 23.49.164.D, a maximum structure width for the portion of a structure above 65 feet in height is established on Table A for 23.49.164, and this portion of the structure shall be separated horizontally from any other portion of a structure on the lot above 65 feet in height by at least 20 feet at all points. The maximum wall length or portions of a structure above an elevation of sixty-five (65) feet. The maximum wall length shall be measured separately for each portion or portions of a structure that are separated by at least twenty (20) feet at all points. The maximum applies to the structure width as measured parallel to all street property lot lines, and shall be as follows:

((Maximum Length by Lot Size))

Table A for 23.49.164 Maximum Structure Width by Lot Size		
((Elevation)) Height of Portion of Structure ((in feet))	0--19,000 Square Feet	Greater Than 19,000 Square Feet
Greater than ((66)) 65 feet up to ((--))125 feet	90((')) feet on avenues 120((')) feet on streets	120((')) feet
Greater than ((126)) 125 feet up to ((--)) 240 feet	Not applicable	100((')) feet

B. DMR/R 85/65 zone((Eighty-Five Foot Height District)). ((The length of walls))Structure width above((an elevation)) a height of ((sixty-five(-))65((+)) feet ((shall not

be)) is not limited under this Section 23.49.164 in the DMR/R 85/65 zone ~~((eighty-five (85) foot district)), except as provided in subsection 23.49.164.D.~~

### C. Housing Option.

1. On lots with structures that contained low-income housing on or before the effective date of Ordinance 114079, and that meet the requirements of subsection 23.49.164.C.4, the ~~((maximum length of portions of structures))~~ width above ~~((an elevation))~~ a height ~~((of sixty-five (65) feet of portions of structures))~~ that are located less than ~~((twenty (20) feet from a street ((property)) lot line))~~ shall not exceed ~~((one hundred twenty (120) feet per block front. This maximum ((length shall be))~~ applies to the structure width as measured parallel to the street ~~((property))~~ lot line. Portions of structures, measured parallel to the street ~~((property))~~ lot line, that are located ~~((twenty (20) feet or more from the street ((property)) lot line, ((shall))~~ have no maximum limit.

2. When the housing option is used, no portions of the structure may be located in the area within ~~((twenty (20) feet of the intersection of street ((property)) lot lines between ((elevations)) heights of ((sixty-five (65) and ((one hundred twenty-five (125) feet.~~

3. When the housing option is used, each ~~((floor))~~ story in portions of structures between ~~((elevations))~~ heights of ~~((sixty-five (65) and ((one hundred twenty-five (125) feet shall have a maximum gross floor area of ((twenty-five thousand (25,000) square feet or the lot coverage limitation, whichever is less.~~

4. In order to use the housing option, housing on the lot shall be subject to an agreement with the City that contains the following conditions and any other provisions necessary to ensure compliance:

1 a. The demolition or change of use of the housing shall be prohibited for  
2 not less than ~~((fifty-))~~50((+)) years from the date a final certificate of occupancy is issued for the  
3 commercial development on the lot; and

4 b. If the housing is or was rental housing on or before the effective date of  
5 Ordinance 114079, it shall be used as rental housing for not less than ~~((fifty-))~~50((+)) years from  
6 the date a final certificate of occupancy is issued for the commercial development of the lot; and  
7

8 c. The structure will be brought up to and maintained in conformance with  
9 the Housing and Building Maintenance Code; and

10 d. Housing that is or was low-income housing on or before the effective  
11 date of ordinance 114079, shall be maintained as low-income housing for not less than ~~((fifty-))~~50((+)) years from the date a final certificate of occupancy is issued for the commercial  
12 development on the lot.  
13  
14

15 e. Housing that is preserved according to the provisions of this section  
16 shall not qualify for a downtown housing bonus or for transfer of development rights.

17 D. Structure Width limits and separation requirements in South Downtown. In DMR/C  
18 zones in South Downtown, the following standards apply:

19 1. The maximum width of any street-facing facade of a structure 65 feet in height  
20 or less is 250 feet.  
21

22 2. The maximum width of any portion of a street-facing facade above 65 feet in  
23 height is 120 feet.  
24  
25  
26  
27  
28

3. At all levels above a height of 65 feet above grade, separate structures on a lot and separate portions of the same structure must be separated at all points by a minimum horizontal distance of 20 feet.

Section 30. A new Section 23.49.165 of the Seattle Municipal Code is added, as follows:

**23.49.165 Downtown Mixed Residential Façade Modulation Requirement - South Downtown**

This Section 23.49.165 applies only in DMR zones in South Downtown. For a structure that exceeds 85 feet in height, façade modulation is required for portions of the structure above 45 feet in height if any part of the façade above that height is located within 10 feet of a street lot line and the façade above that height exceeds a length of 110 feet. If façade modulation is required, a portion of the façade with a minimum length of 30 feet must be set back a minimum of 10 feet from the street lot line at all levels above 45 feet.

Section 31. Section 23.49.166 of the Seattle Municipal Code, which section was last amended by Ordinance 120443, is amended as follows:

**23.49.166 Downtown Mixed Residential, side setback, ~~((and))~~ green street setback, and mid-block corridor setback requirements((:))**

A. Side Setbacks. ~~((Except on lots located in the DMR/R eighty five (85) foot height district))~~ In DMR zones, for buildings greater than 85 feet in height with more than 120 feet of frontage on a street or avenue, as applicable under this subsection 23.49.166.A, setbacks ~~((shall be))~~ are required from side lot lines that are not street side lot lines. The setback requirement applies to all portions of the structure ~~((shall occur))~~ above ~~((an elevation))~~ a height of ~~((sixty-five (65)))~~ 65 feet. The amount of the setback requirement is ~~((shall be))~~ determined by the



length of the frontage of the lot on avenues, ~~((as follows))~~ or in South Downtown by the length of the frontage of the lot on streets (see Table A for 23. 49.166):

<b><u>Table A for 23.49.166</u></b> <b><u>Required Setbacks Above 65 Feet</u></b>	
<b><u>Frontage on Avenue, except in South Downtown, where the length of frontage applies to streets</u></b>	<b><u>Required Setback Above 65 Feet</u></b>
120 feet or less	Not required
<u>Greater than ((424)) 120 feet up to 180 feet</u>	20 feet
<u>Greater than ((484)) 180 feet ((or more))</u>	40 feet

B. Green Street Setbacks. In DMR zones, e((E))xcept on lots located in DMR/R ((eighty-five (85) foot height districts)) 85/65 zones, a setback from the street ((property)) lot line ((shall be)) is required on green streets designated on Map 1B ((G4)) above ((at an elevation of sixty-five (65))) 65 feet. The required setback is determined by Table B for 23.49.166 ((shall be as follows)):

<b><u>Table B for 23.49.166</u></b> <b><u>Setbacks on Green Streets in DMR/R Zones</u></b>	
<b><u>((Elevation)) Height of Portion of Structure</u></b>	<b><u>Required Setback in Feet</u></b>
65((°)) <u>feet to 85((°))feet</u>	10((°))
<u>Greater than ((86)) 85((°)) feet to 240((°)) feet</u>	$(H - 85((°)) \times .2 + 10((°))$ where H equals the highest point of the portion of the structure located within <del>((one hundred twenty (120)))</del> <u>120 feet of the green street lot line, in feet.</u>

C. Setbacks along Green Streets in South Downtown and Setbacks along Mid-Block Corridors. On lots located in DMR zones in South Downtown, a setback for buildings greater than 65 feet in height is required from the street lot line abutting a designated green street and

from a mid-block corridor, not including the open space identified in subsection  
 23.58A.016.C.4.d.8. The setback requirement is determined by Table C for 23.49.166 as  
 follows:

Table C for 23.49.166 Setbacks along Designated Green Streets and Setbacks along Mid-Block Corridors For Buildings Greater than 65 Feet in Height in DMR zones in South Downtown	
Height of Portion of Structure	Required Setback in Feet
45 feet to 85 feet	10
Greater than 85 feet to 150 feet	$(H - 85) \times .2 + 10$ , where H equals the highest point of the portion of the structure located within 120 feet of the green street lot line or the mid-block corridor

Section 32. Subsections C and D of Section 23.49.178 of the Seattle Municipal Code, which section was last amended by Ordinance 123034, are amended as follows:

**23.49.178 Pioneer Square Mixed, structure height((:))**

A. Maximum structure height is the applicable height limit designated on the Official Land Use Map, Chapter 23.32 except as provided in this Section 23.49.178.

B. Rooftop features and certain additions to structures are allowed to exceed the applicable height limit according to the provisions of subsection 23.66.140.C.

C. In the PSM 100/100-120 zone, ((:))

~~1. Except as expressly allowed in this subsection 23.49.178.C a structure shall not exceed by more than 15 feet the height of the tallest structure on the block or the adjacent block front (s);~~

2. A)) a structure within which a streetcar maintenance base has been established may attain a maximum height of 130 feet if the structure has, in residential or hotel use, gross floor area equal to the gross floor area in the structure above 100 feet.

D. ~~((In the PSM 100 to 120 zone, structure height over 100 feet to a maximum of 120 feet is permitted if a minimum of 75 percent of the gross floor area of the structure is in residential use.))~~ In the PSM 100/100-120, PSM 100/100-130, and PSM 100/120-150 zones, except as provided in subsection 23.49.178.C, the applicable height limit is determined as set forth in this subsection 23.49.178.D. The height limit for portions of a structure that contain nonresidential or live-work uses is shown as the first figure after the zone designation, and is the applicable height limit for structures containing only those uses. The base height limit that applies to those portions of a structure that contain residential uses, shown as the first figure following the "/", is the applicable height limit for a structure that contains residential uses and does not qualify for extra floor area under Section 23.49.023. Subject to any limit imposed under Section 23.66.140, the third figure shown is the applicable height limit for a structure if all of the conditions to exceeding the base height limit under this subsection 23.49.008.D are satisfied. A structure may exceed the base height limit for residential use only if:

1. Construction does not involve the demolition or removal of any building or structure except as approved pursuant to Section 23.66.115. No structure has been demolished or removed from the lot within the ten years immediately preceding application for a building permit for the structure or addition that would exceed the base height limit unless the Director of Neighborhoods determines that the building or structure did not contribute to the architectural or historic character of the Pioneer Square Preservation District;

3. The total gross floor area of the structure in residential use will equal or exceed the gross floor area in the portion of the structure above 100 feet;

4. The proposed structure uses extra residential floor area available under Section 23.49.023 to gain all additional floor area above the base height limit; and

5. The lot area is at least 7,200 square feet.

\*\*\*

Section 33. Section 23.49.198 of the Seattle Municipal Code, which section was enacted by Ordinance 112303, is amended as follows:

**23.49.198 Chapter 23.66 provisions apply((;))**

All property located in ~~((the))~~ International District Mixed (IDM) zones is ~~((shall be))~~ subject to the use and development standards of the International ~~((District))~~ Special Review District, Chapter 23.66, in addition to the use and development standards contained in this chapter. In the event that there is a conflict between the use and development standards of this chapter and the provisions of the International ~~((District))~~ Special Review District, the provisions of Chapter 23.66 ~~((shall))~~ apply.

Section 34. Section 23.49.200 of the Seattle Municipal Code, which section was enacted by Ordinance 112303, is amended as follows:

**23.49.200 International District Mixed, permitted uses((-))**

The Overlay District regulations of the International ((District)) Special Review District, Chapter 23.66, contain the use provisions for the IDM zones.

Section 35. Section 23.49.208 of the Seattle Municipal Code, which section was last amended by Ordinance 120928, is amended as follows:

**23.49.208 International District Mixed, structure height((:))**

A. ~~((Maximum structure height shall be as))~~ Height limits in the International District Mixed (IDM) zones are designated on the Official Land Use Map, Chapter 23.32.

B. Rooftop features ~~((may be))~~ are permitted according to the provisions of Section 23.66.332.

C. Except as otherwise expressly provided in this Section 23.49.208, the applicable height limit in an IDM zone is determined as set forth in this subsection 23.49.208.C. The height limit for portions of a structure that contain nonresidential or live-work uses is shown as the first figure after the zone designation, and is the applicable height limit for structures containing only those uses. The base height limit that applies to portions of a structure in residential use, shown as the first figure following the “/”, is the applicable height limit for a structure that contains residential uses and does not qualify for any extra floor area pursuant to Section 23.49.023, except that hotel use may be allowed greater height pursuant to subsection 23.49.208.E. The third figure shown, if any, is the applicable height limit for a structure that qualifies for extra residential floor area under Section 23.49.023.

~~((C:))~~ D. In the ~~((seventy five (75) to eighty five (85) foot height district))~~ IDM 75-85 zone, structures in excess of ~~((seventy five (75)))~~ 75 feet in height, to a maximum of ~~((eighty-five (85)))~~ 85 feet, ~~((shall be))~~ are permitted only if ~~((fifty (50)))~~ 50 percent or more of the gross floor area on the lot, excluding parking and street-level retail uses meeting the standards of Section 23.66.326, is in residential use.

~~((D:))~~ E. ~~((In the one hundred (100) to one hundred twenty (120) foot height district,~~ structures in excess of one hundred (100) feet, to a maximum of one hundred twenty (120) feet,

shall be permitted if ~~seventy five (75) percent or more of the gross floor area, excluding parking,~~  
is in residential use, or may be permitted as part of a planned community development, pursuant  
to ~~Section 23.49.036, Planned community developments.~~) In the IDM 75/85-150 zone,  
structures exceeding a height of 75 feet are permitted only if:

1. all floor area above the base height limit is in residential use; or

2. in a mixed use development that includes hotel use, the following conditions

are met:

a. the mixed use development is on a lot with at least 40,000 square feet  
of the lot area located in an IDM 75/85-150 zone;

b. fifty percent or more of the gross floor area on the lot, excluding  
parking, is in residential use; and

c. hotel use is the only non-residential use located above 75 feet.

~~((E.))~~ F. In the IDM 65-120 zone ((sixty five (65) to one hundred twenty (120) foot  
height district)), structures in excess of ((sixty five (65))) 65 feet, to a maximum of ((one  
hundred twenty (120))) 120 feet, may be permitted only as a part of a planned community  
development, pursuant to Section 23.49.036, Planned community developments.

Section 36. A new Section 23.49.209 of the Seattle Municipal Code is added, as follows:

**23.49.209 International District Mixed, upper level development standards**

A. In the IDM 75/85-150 zone, upper level development standards include upper level  
setbacks and façade modulation.

1. Upper level setbacks south of S. Weller Street. For structures south of S.  
Weller Street exceeding a height of 85 feet, an upper level setback with an average depth of at

1 least 15 feet from abutting street lot lines along the entire street frontage of the structure is  
2 required above a height of 45 feet. The minimum depth permitted for any portion of a setback  
3 required under this subsection 23.49.209.A.1 is 10 feet. The maximum depth of a setback that  
4 can be used for calculating the average setback is 30 feet.

5                   2. Upper level setbacks north of S. Weller Street. North of S. Weller St., a  
6 continuous setback of at least 15 feet from abutting street lot lines is required for portions of a  
7 structure above 85 feet in height, except that no setback is required from street lot lines abutting  
8 S. Weller Street.  
9

10                   3. Green Street upper level setback. When a lot abuts a designated green street, a  
11 continuous upper level setback of at least 20 feet is required for all structures above a height of  
12 45 feet along the green street lot line.  
13

14                   4. Façade modulation. For structures exceeding 85 feet in height, modulation is  
15 required for portions of the street-facing façade exceeding 45 feet in height and located within 15  
16 feet of a street lot line. The maximum length of a street-facing façade without modulation is 110  
17 feet, measured parallel to the street lot line. Projections from the façade, such as balconies, are  
18 included in the measurement of length. Where façade modulation is required, a portion of the  
19 façade must set back a minimum depth of 15 feet from street lot lines for a minimum length of  
20 30 feet.  
21

22                   B. In the IDM 150/85-150 zone, upper level development standards include upper level  
23 setbacks and façade modulation.  
24  
25  
26  
27  
28

1                   1. Upper level setback. For lots abutting Maynard Avenue S., a continuous  
2 upper-level setback of at least 15 feet from the lot line abutting Maynard Avenue S. is required  
3 for portions of a structure above 45 feet in height.

4                   2. Façade modulation. For structures exceeding 85 feet in height, modulation is  
5 required for portions of the street-facing facade exceeding 65 feet in height and located within 10  
6 feet of a street lot line. The maximum length of a street-facing façade without modulation is 110  
7 feet, measured parallel to the street lot line. Projections from the façade, such as balconies, are  
8 included in the measurement of length. Where façade modulation is required, a portion of the  
9 façade must set back a minimum depth of 10 feet from street lot lines for a minimum length of  
10 30 feet.  
11

12                   Section 37. A new Section 23.49.212 of the Seattle Municipal Code is added, as follows:  
13

14 **23.49.212 International District Mixed, Street façade requirements**

15                   A. Façade transparency requirements, blank façade limits and landscaping standards set  
16 forth in subsections 23.49.162.C, 23.49.162.D, and 23.49.162.F apply to lots abutting Class I and  
17 Class II Pedestrian Streets, as shown on Map B for 23.66.326, unless waived or modified  
18 pursuant to subsection 23.49.212.B.  
19

20                   B. Waiver or modification of standards. The Director may waive or modify the  
21 standards referred to in subsection 23.49.212.A as a Type I decision if, upon consultation with  
22 the Director of Neighborhoods, the Director determines a waiver or modification of a standard  
23 will better meet the goals and objectives of Section 23.66.302 and Section 23.66.304.  
24  
25  
26  
27  
28



C. Conflict. In the event there is a conflict between the use and development standards of Section 23.49.162 and the provisions of the International Special Review District in Chapter 23.66, the provisions of Chapter 23.66 apply.

Section 38. Section 23.49.223 of the Seattle Municipal Code, which section was enacted by Ordinance 112303, is amended as follows:

**23.49.223 Chapter 23.66 provisions apply((;))**

All property located in ~~((the))~~ International District Residential (IDR) zones is ~~((shall be))~~ subject to the use and development standards of the International ~~((District))~~ Special Review District, Chapter 23.66, in addition to the use and development standards contained in this chapter. In the event that there is a conflict between the use and development standards of this chapter and the provisions of the International ~~((District))~~ Special Review District, the provisions of Chapter 23.66 ~~((shall))~~ apply.

Section 39. Section 23.49.226 of the Seattle Municipal Code, which section was enacted by Ordinance 112303, is amended as follows:

**23.49.226 International District Residential, permitted uses((;))**

The Overlay District regulations of Subchapter III of Chapter 23.66, the International ~~((District))~~ Special Review District, ~~((Chapter 23.66,))~~ contain use provisions for IDR zones.

Section 40. Section 23.49.236 of the Seattle Municipal Code, which section was enacted by Ordinance 112303, is amended as follows:

**23.49.236 International District Residential, structure height((;))**

A. ~~((Maximum structure height shall be as))~~ Height limits in International District Residential (IDR) zones are designated on the Official Land Use Map, Chapter 23.32.

1        B. Except as otherwise expressly provided in this section, height limits are determined as  
2 follows: The height limit for structures or portions of a structure that contain nonresidential or  
3 live-work uses is shown as the first figure after the zone designation, and is the applicable height  
4 limit for structures containing only those uses. The base height limit that applies to portions of a  
5 structure that contain residential use, shown as the first figure following the “/”, is the applicable  
6 height limit for a structure that contains residential uses and does not qualify for any extra floor  
7 area under Section 23.49.023. The third figure shown is the applicable height limit for a  
8 structure that qualifies for extra floor area under Section 23.49.023.

10       C. Rooftop features and certain additions to structures are allowed to exceed the  
11 applicable height limit according to the provisions of subsection 23.66.332.C.

12       Section 41. Section 23.49.242 of the Seattle Municipal Code, which section was enacted  
13 by Ordinance 112303, is amended as follows:

14 **23.49.242 International District Residential, development standards ((minimum lot size.))**

16       ~~A. There shall be a minimum lot size of nineteen thousand (19,000) square feet for any~~  
17 ~~structure over one hundred twenty five (125) feet high.~~

18       ~~B. To meet the minimum lot size requirement, a lot may be combined with one (1) or~~  
19 ~~more abutting lots whether occupied by existing structures or not, provided that:~~

- 21           ~~1. The total area of the combined lots meets the minimum lot size requirement;~~  
22           ~~2. All lots have frontage on the same street;~~  
23           ~~3. Any existing structure does not exceed a height of one hundred twenty five~~  
24 ~~(125) feet;~~

1                   ~~4. The coverage of both the proposed and any existing structures meets the~~  
2 ~~coverage limits established in Section 23.49.244; and~~

3                   ~~5. The fee owners of the abutting lot(s) shall execute a deed or other agreement,~~  
4 ~~which shall be recorded with the title to the lots, which restricts future development to a~~  
5 ~~maximum height of one hundred twenty five (125) feet for the life of the proposed structure; and~~  
6 ~~which precludes the use of the lot(s) in combination with any abutting lots for purposes of~~  
7 ~~meeting the minimum size requirements of this section.~~

9                   A. Scope: Application to Mixed-use Structures. The provisions of this section apply in  
10 IDR and IDR/C zones. If residential and nonresidential or live/work uses are combined in the  
11 same structure, the standards specified for a particular use apply to that portion of the structure  
12 occupied by that use. If uses subject to different standards are combined on the same story of a  
13 structure, the standards for the predominant use in the story apply.

15                   B. Minimum lot size requirement. The minimum lot size for any structure exceeding a  
16 height of 150 feet is 21,000 square feet.

17                   C. Coverage limits.

18                   1. Upper level coverage limits do not apply to structures 85 feet in height or less  
19 on lots of 8,000 square feet or less in IDR zones, or to structures 125 feet in height or less on lots  
20 of any size in IDR/C zones, or to rooftop features that are identified in subsection 23.66.332.

22                   2. For structures 150 feet in height or less, coverage limits are shown in Table A  
23 for 23.49.242.

**Table A for 23.49.242**  
**Coverage Limits for Structures 150 feet in Height or Less**

<u>Height of portion of structure</u>	<u>Percent of lot coverage permitted</u>	
	<u>Stories with residential uses as the predominant use</u>	<u>Stories with non-residential or live-work uses as the predominant use</u>
<u>65 feet or less</u>	<u>No limit</u>	<u>No limit</u>
<u>Greater than 65 feet up to 125 feet</u>	<u>75%</u>	<u>No limit</u>
<u>Greater than 125 feet up to 150 feet</u>	<u>65%</u>	<u>Not applicable</u>

3. For structures exceeding 150 feet in height that include non-residential uses as the predominant use on any story wholly or in part above 45 feet in height, coverage limits are shown in Table B for 23.49.242.

**Table B for 23.49.242**  
**Coverage Limits for Structures exceeding 150 in Height for Stories in Predominantly Nonresidential Use above 45 feet in Height**

<u>Height of portion of structure</u>	<u>Percent of lot coverage permitted</u>
<u>45 feet or less</u>	<u>No limit</u>
<u>Greater than 45 feet up to 125</u>	<u>For stories with nonresidential uses as the predominant use: no limit</u>  <u>For stories with more than 50% of floor area in residential use: 35% of lot area, or an average gross floor area of 9,000 square feet, whichever is greater, provided that no single story exceeds a gross floor area of 11,500 square feet.</u>
<u>Greater than 125 feet up to 240 feet</u>	<u>35% of lot area or an average gross floor area per story of 9,000 square feet, whichever is greater, provided that no single story exceeds a gross floor area of 11,500 square feet.</u>

4. For structures exceeding 150 feet in height that include residential uses as the predominant use on every story wholly or in part above 45 feet, coverage limits are shown in Table C for 23.49.242:

<b><u>Table C for 23.49.242</u></b> <b><u>Coverage Limits for Structures exceeding 150 feet in Height</u></b> <b><u>for Stories in Predominantly Residential Use above 45 feet in Height</u></b>	
<u>Height of portion of structure</u>	<u>Percent of lot coverage permitted</u>
<u>45 feet or less</u>	<u>No limit</u>
<u>Greater than 45 feet up to 85 feet</u>	<u>75%</u>
<u>Greater than 85 feet up to 240 feet</u>	<u>35% of lot area, or an average gross floor area of 9,000 square feet per story, whichever is greater, provided that no single story exceeds a gross floor area of 11,500 square feet.</u>

5. For any structure greater than 150 feet in height, gross floor area of any story above 85 feet in height shall not exceed 35 percent of the lot area, unless the average gross floor area of all stories above 85 feet is no more than 9,000 square feet per story; and in any case no single story above a height of 85 feet shall exceed a gross floor area of 11,500 square feet. For purposes of this subsection 23.49.242.C.5, the following rules apply:

a. Unoccupied space provided for architectural interest pursuant to subsection 23.49.008.B and with approval of the Director of Neighborhoods in consultation with the Special Review Board, is not included in the calculation of gross floor area.

b. Gross floor area for any story of less than 4,000 square feet is assigned a value of 4,000 square feet for the purpose of calculating average floor area.

#### D. Setbacks.

1                   1. The following minimum setbacks are required for structures on lots abutting a  
2 green street designated on Map 1G:

3                   a. In an IDR zone, a continuous setback of 15 feet is required from the  
4 street lot line of the abutting green street for all portions of the structure above 45 feet in height.

5 This setback is not required if a structure is 65 feet in height or less, except on Maynard Avenue  
6 S.

7                   b. For lots abutting a designated green street in an IDR/C zone, a  
8 continuous setback of 6 feet is required at street level from the green street lot line. For a  
9 structure exceeding 85 feet in height, a setback of 16 feet is required from the lot line abutting a  
10 green street for all portions of the structure above a height of 65 feet.

11                   2. For a structure higher than 85 feet, a continuous upper-level setback of 15 feet  
12 is required from each side lot line that is not a street or alley lot line for all portions of the  
13 structure above a height of 65 feet.

14                   E. Façade modulation.

15                   1. For structures 150 feet or less in height, modulation is required for portions of  
16 the street-facing facade exceeding 65 feet in height and located within 15 feet of a street lot line.  
17 No modulation is required for portions of a façade set back 15 feet or more from a street lot line.

18                   2. For structures exceeding 150 feet in height, modulation is required for portions  
19 of the street-facing facade in non-residential use between 65 feet and 125 feet in height and  
20 located within 15 feet of a street lot line. No modulation is required for portions of a façade set  
21 back 15 feet or more from a street lot line.

3. For portions of structures subject to the modulation requirements of this subsection 23.49.242.E, the maximum length of a street-facing façade without modulation is prescribed in Table D for 23.49.242. For purposes of this subsection 23.49.242.E, length is measured parallel to each street lot line and includes projections from the façade, such as balconies.

<b>Table D for 23.49.242: Façade Modulation</b>	
<u>Height of portion of structure</u>	<u>Maximum length of un-modulated facade when less than 15 feet from street lot line</u>
<u>65 feet in height or less</u>	<u>No limit</u>
<u>Greater than 65 feet up to 125 feet</u>	<u>155 feet</u>
<u>Greater than 126 to 150 feet<sup>1</sup></u>	<u>125 feet</u>
<u><sup>1</sup>Applies only to structures 150 feet in height or less</u>	

4. Any portion of a facade exceeding the maximum length of façade prescribed in Table D for 23.49.242 must set back a minimum depth of 15 feet from street lot lines for a minimum length of 30 feet before any other portion may be closer than 15 feet to the street lot line.

F. Maximum Structure Width. For any story predominantly in residential use above 85 feet in height in a structure that exceeds 150 feet in height, the maximum structure width along the general north/south axis of a lot (parallel to the Avenues) is 100 feet. The projection of unenclosed decks and balconies, and architectural features such as cornices, is disregarded in calculating maximum structure width.

Section 42. Section 23.49.244 of the Seattle Municipal Code, which section was last amended by Ordinance 112303, is repealed.

Section 43. Section 23.49.246 of the Seattle Municipal Code, which section was last amended by Ordinance 113279, is repealed.

Section 44. Section 23.49.248 of the Seattle Municipal Code, which section was last amended by Ordinance 122235, is amended as follows:

**23.49.248 International District Residential, Street façade and landscaping requirements**  
**((~~side setback and green street setback requirements.~~))**

A. Façade transparency requirements, blank façade limits and landscaping standards set forth in subsections 23.49.162.C, 23.49.162.D, and 23.49.162.F apply to lots abutting Class I and Class II Pedestrian Streets, as shown on Map B for 23.66.326, unless waived or modified pursuant to subsection 23.49.248.B.

B. Waiver or modification of standards. The Director may waive or modify the standards referred to in subsection 23.49.248.A as a Type I decision if, upon consultation with the Director of Neighborhoods, the Director determines that waiving or modifying a development standard will better meet the goals and objectives of Section 23.66.302 and Section 23.66.306.

C. If there is a conflict between the standards of the sections cited in subsection 23.49.248.A and the provisions of the International Special Review District, the provisions of Chapter 23.66 shall apply.

~~((A. Side Setbacks. Setbacks shall be required from side lot lines that are not street side lot lines. The setback shall occur above an elevation of sixty five (65) feet. The amount of the setback shall be determined by the length of the frontage of the lot on avenues, as follows:~~

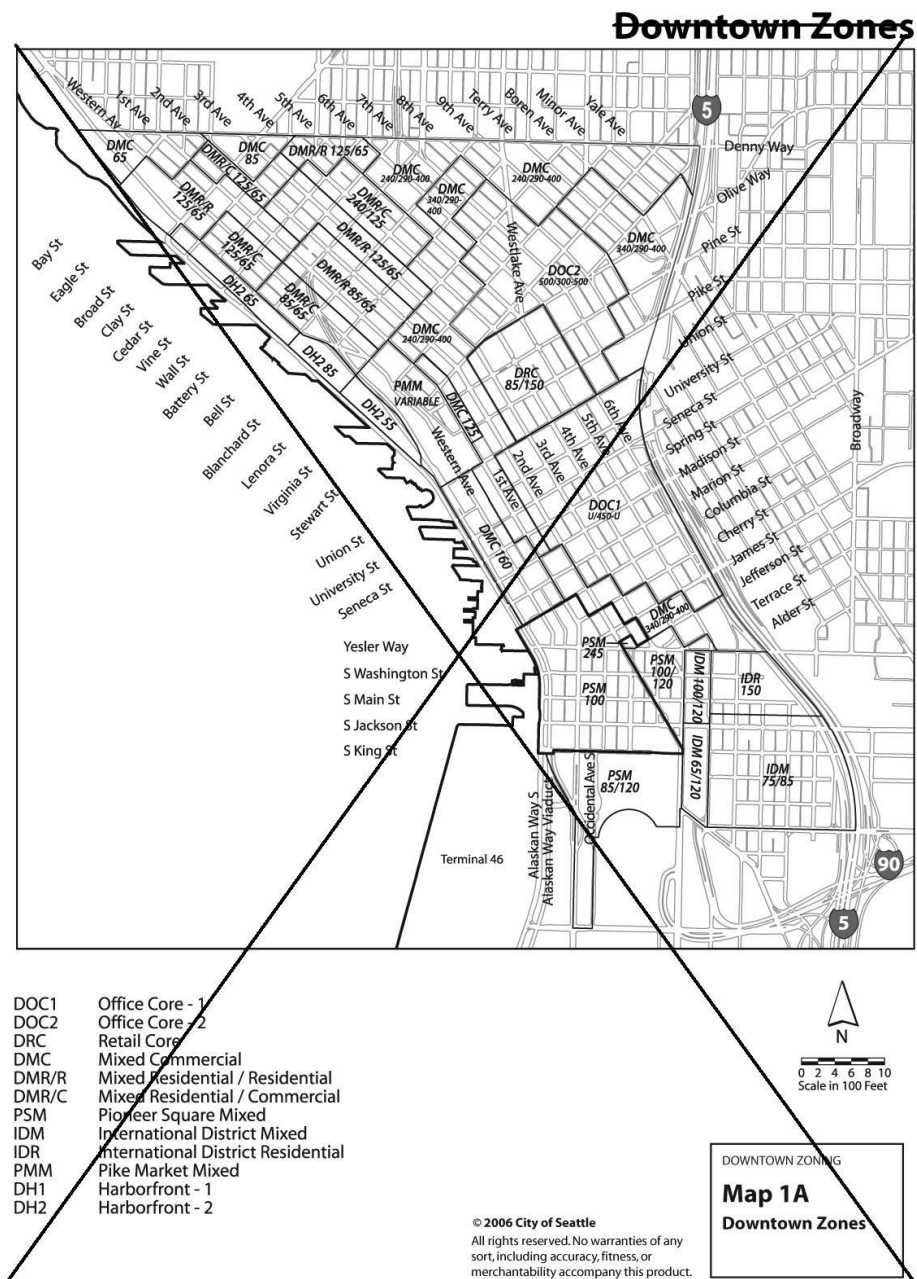


Frontage on Avenue	Required Setback at 65 Feet
120 feet or less	Not required
121 feet to 180 feet	20 feet
181 feet or more	40 feet

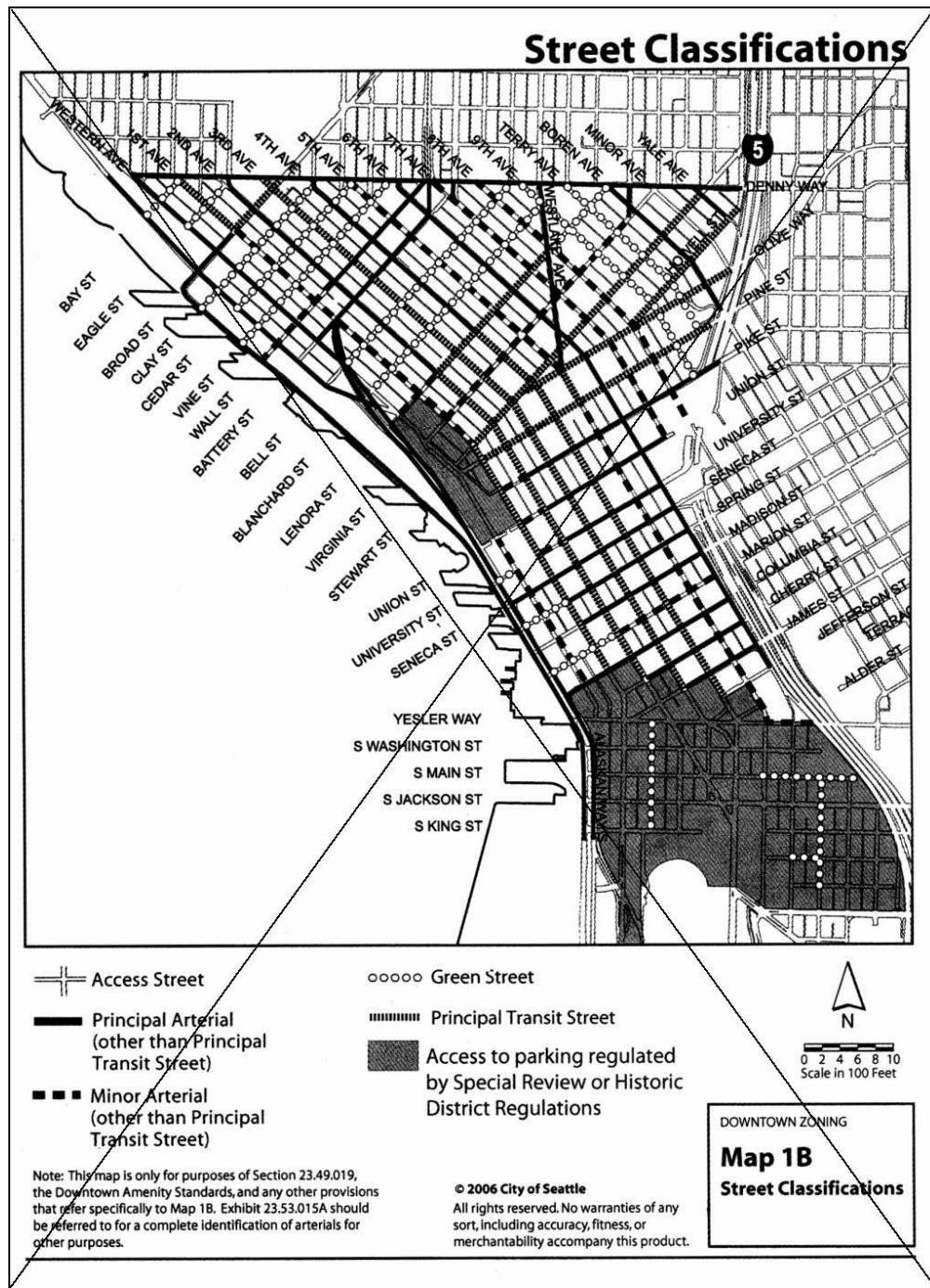
~~B. Green Street Setbacks. A setback from the street lot line shall be required on green streets, Map 1F, at an elevation of forty (40) feet. The setback shall be as follows:~~

Elevation of Portion of Structure	Required Setback
40' to 85'	10'
86' to 240'	$(H - 85') \times .2 + 10'$ where H = Total structure height in feet.))

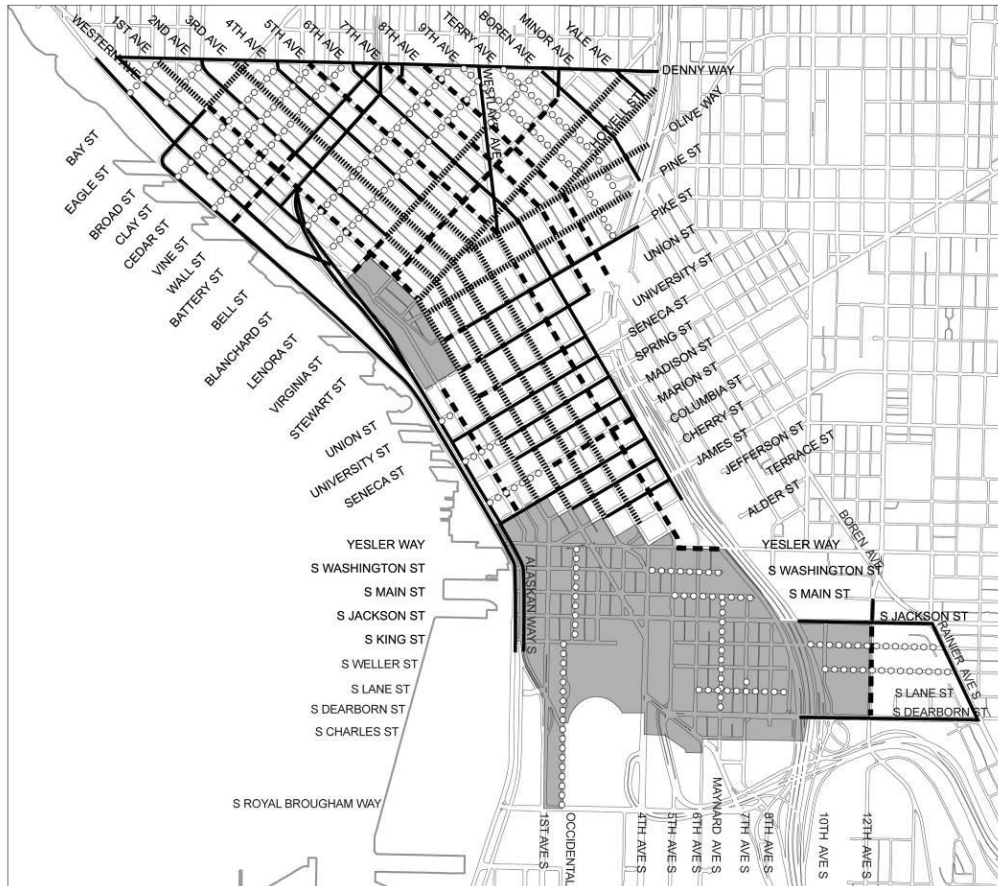
Section 45. Maps 1A, 1B, 1C, 1F, 1G, 1H, and 1I in Chapter 23.49 of the Seattle Municipal Code are hereby repealed and Maps 1A, 1B, 1C, 1F, 1G, 1H, and 1I are hereby enacted, to be codified at the end of Chapter 23.49, as follows:



© 2009 City of Seattle  
All rights reserved. No warranties of any  
sort, including accuracy, fitness, or  
merchantability accompany this product.



## Street Classifications



Access Street

Principal Arterial  
 (other than Principal  
 Transit Street)

Minor Arterial  
 (other than Principal  
 Transit Street)

Green Street

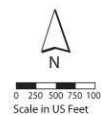
Principal Transit Street

Access to parking regulated  
 by Special Review or Historic  
 District Regulations

Note: This map is only for purposes of Section 23.49.019,  
 the Downtown Amenity Standards, and any other provisions  
 that refer specifically to Map 1B. Exhibit 23.53.015A should be  
 referred to for a complete identification of arterials for other  
 purposes.

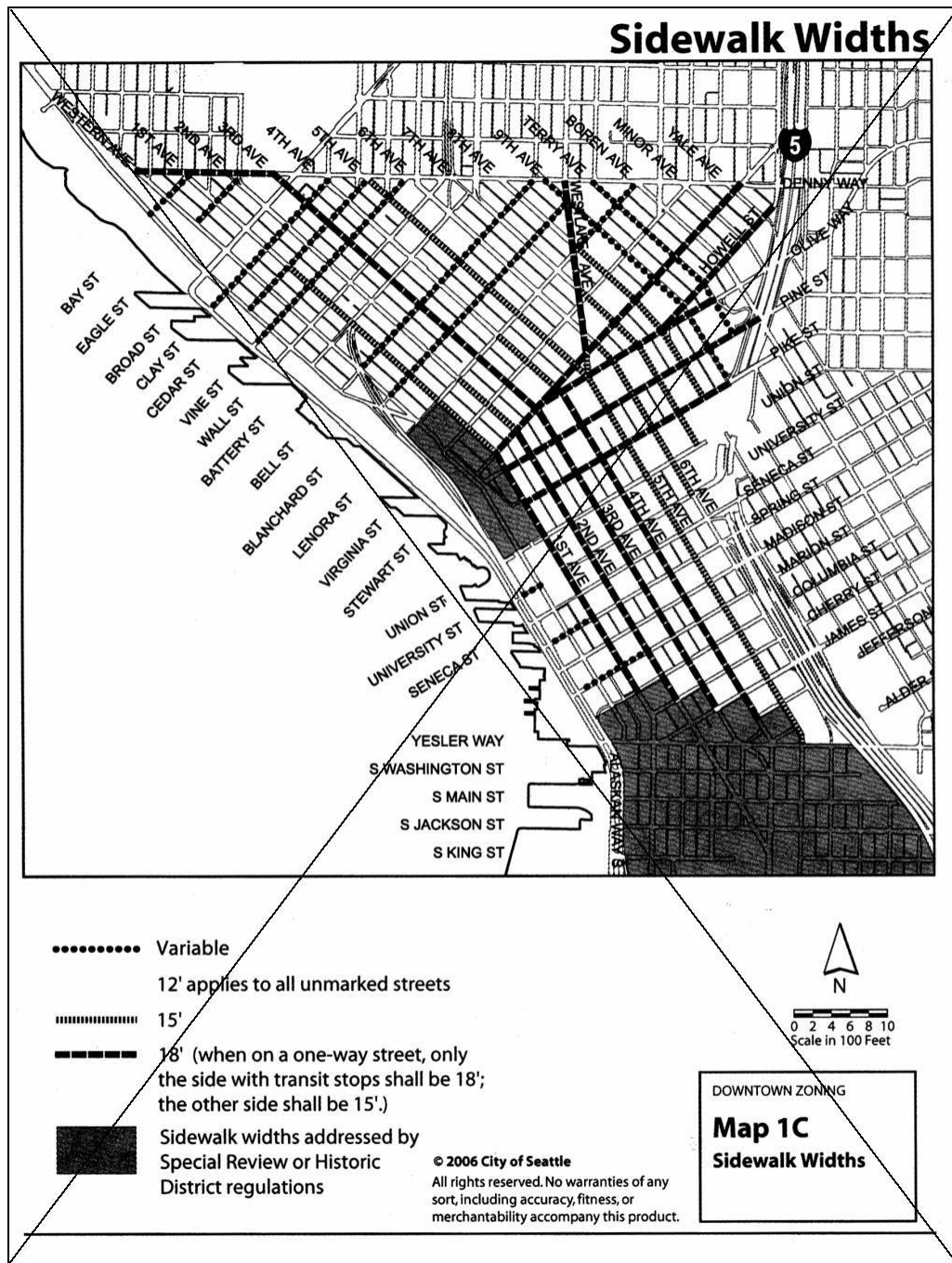
© 2009 City of Seattle

All rights reserved. No warranties of any  
 sort, including accuracy, fitness, or  
 merchantability accompany this product.



DOWNTOWN ZONING  
**Map 1B**  
**Street Classifications**



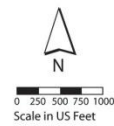


## Sidewalk Widths

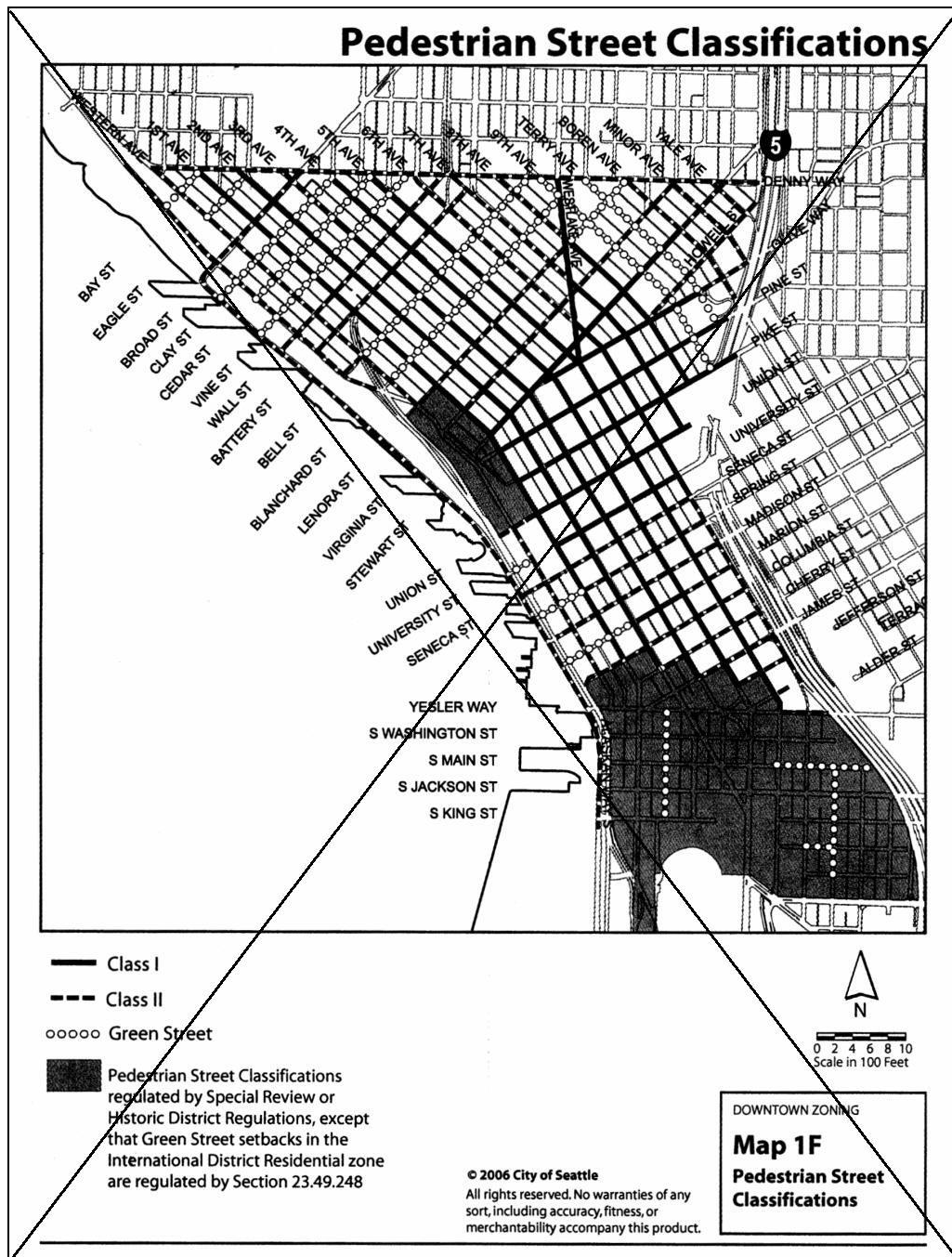


- ..... Variable
- 12' applies to all unmarked streets
- ..... 15'
- 18' (when on a one-way street, only the side with transit stops shall be 18'; the other side shall be 15'.)
- Sidewalk widths addressed by Special Review or Historic District regulations

© 2009 City of Seattle  
 All rights reserved. No warranties of any sort, including accuracy, fitness, or merchantability accompany this product.

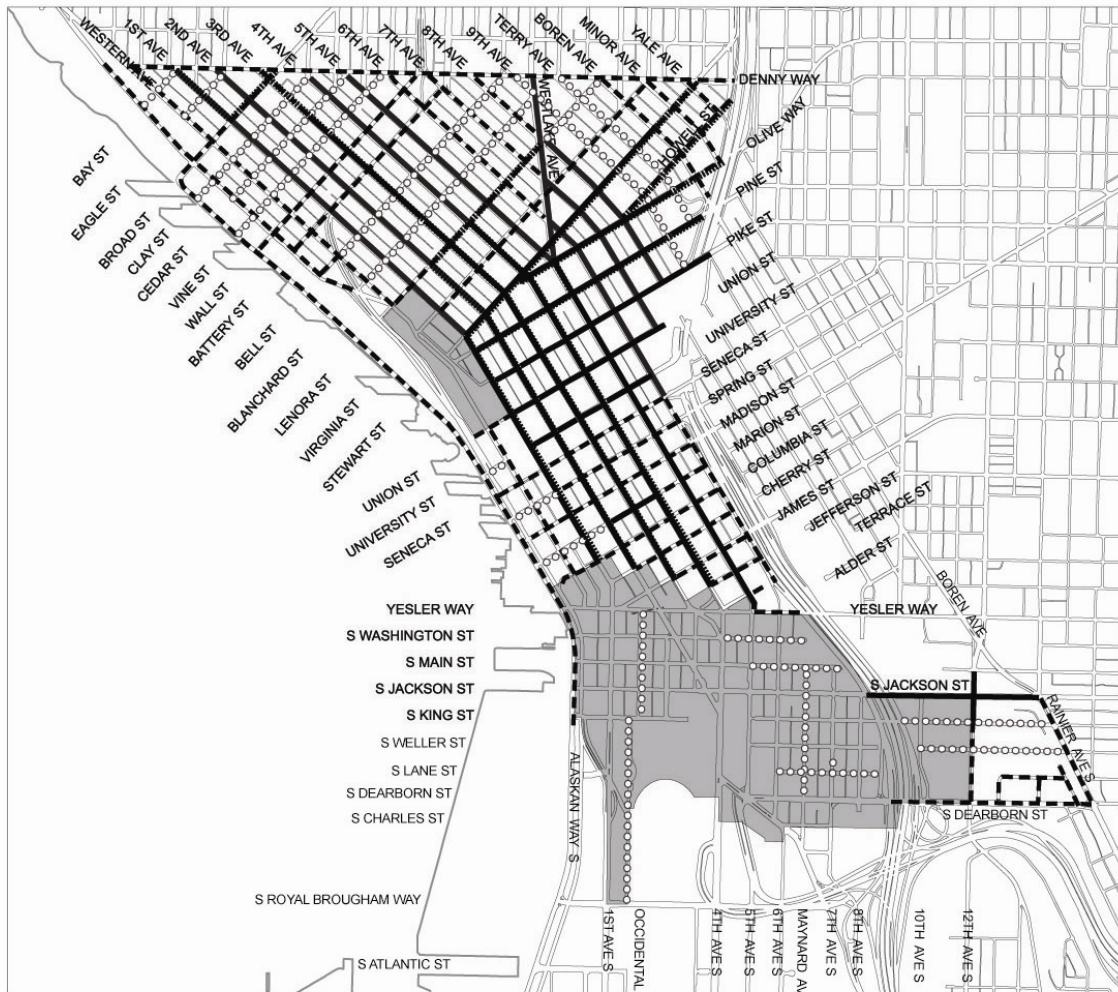


DOWNTOWN ZONING  
**Map 1C**  
 Sidewalk Widths



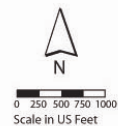


## Pedestrian Street Classifications



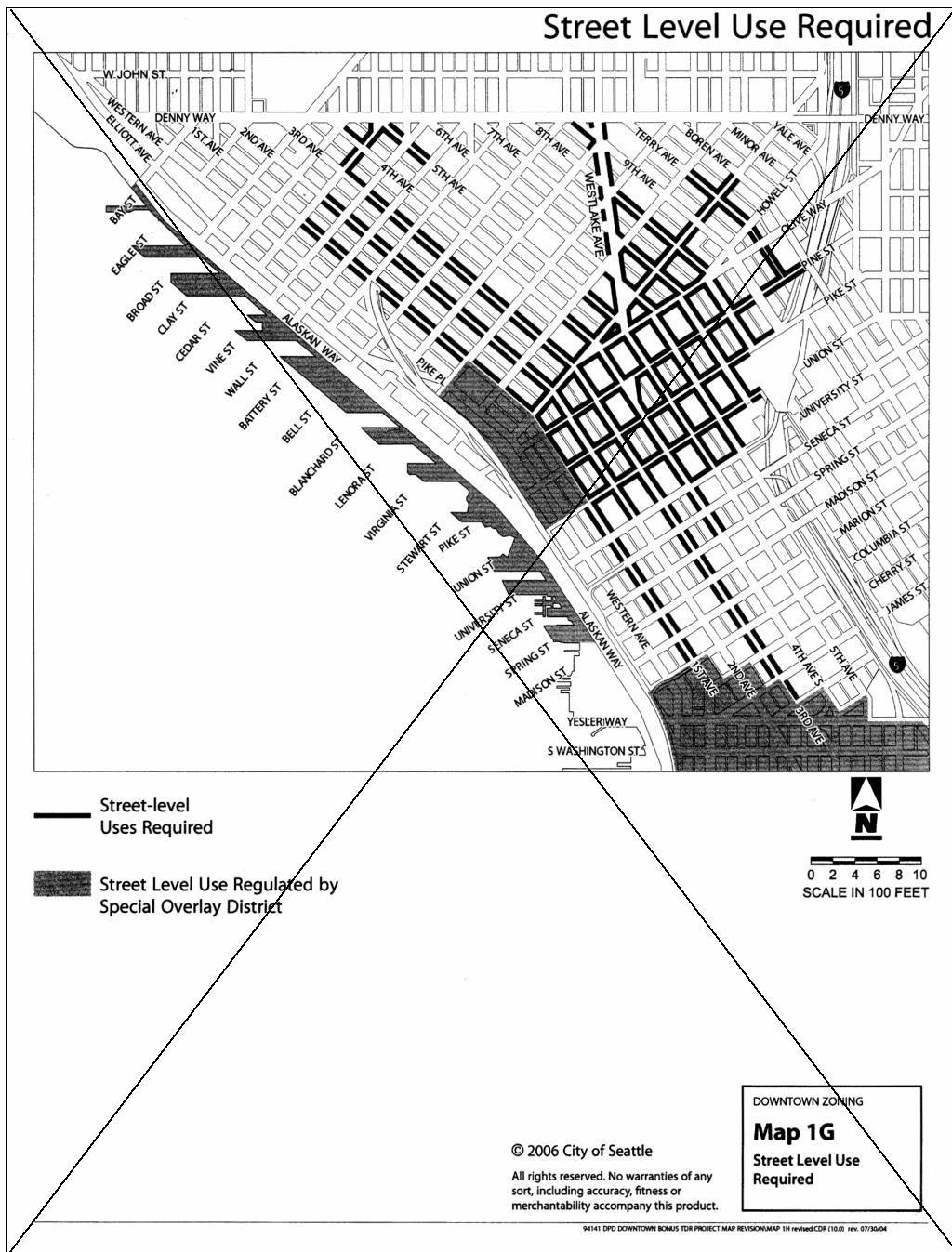
- Class I
- Class II
- Green Street
- Some streets with pedestrian street classifications within the Pioneer Square Preservation District and International Special Review District are identified within Chapter 23.66 of the Seattle Land Use Code.

© 2009 City of Seattle  
 All rights reserved. No warranties of any sort, including accuracy, fitness, or merchantability accompany this product.



DOWNTOWN ZONING

**Map 1F**  
**Pedestrian Street**  
**Classifications**

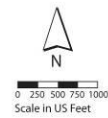


## Street Level Use Required



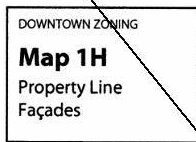
— Street-Level Uses Required

■ Special Review Districts



© 2009 City of Seattle  
 All rights reserved. No warranties of any  
 sort, including accuracy, fitness, or  
 merchantability accompany this product.



DOWNTOWN ZONING  
**Map 1G**  
 Street Level Use  
 Required

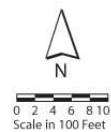




## Property Line Facades

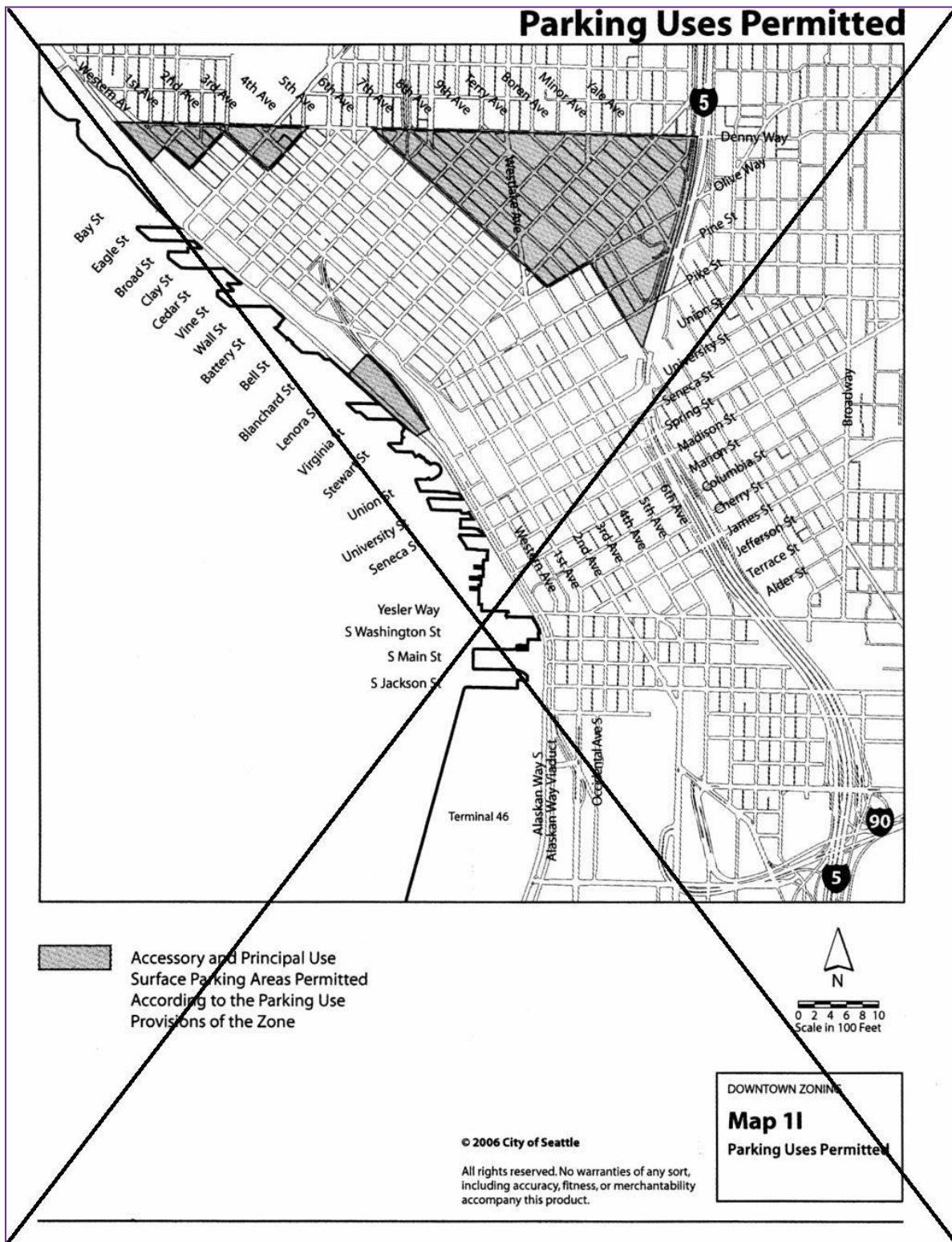


-  Property Line Facades Required
-  Street facades regulated by Special Review or Historic District Regulations



© 2009 City of Seattle  
 All rights reserved. No warranties of any  
 sort, including accuracy, fitness, or  
 merchantability accompany this product.


DOWNTOWN ZONING  
**Map 1H**  
**Property Line Facades**





## Parking Uses Permitted



 Accessory and Principal Use  
 Surface Parking Areas Permitted  
 According to the Parking Use  
 Provisions of the Zone



© 2009 City of Seattle  
 All rights reserved. No warranties of any  
 sort, including accuracy, fitness, or  
 merchantability accompany this product.

DOWNTOWN ZONING

**Map 11**  
**Parking Uses**  
**Permitted**

Section 46. Section 23.50.012 of the Seattle Municipal Code, which section was last amended by Ordinance [Ballard Rezone CB 116775](#), is amended as follows:

**23.50.012 Permitted and Prohibited Uses**

A. All uses shall be either permitted outright, prohibited or permitted as a conditional use according to Table A for 23.50.012 and the provisions of this Section 23.50.012.

B. All permitted uses (~~((shall be))~~) are allowed as either a principal use or (~~((as))~~) an accessory use, unless otherwise indicated in Table A for 23.50.012.

C. Public Facilities.

1. Similar Uses Permitted. Except as provided in subsections (~~((C2))~~)23.50.012.C.2 and (~~((C3))~~)23.50.012.C.3 below and in (~~((SMC))~~) Section 23.50.027, uses in public facilities that are most similar to uses permitted outright or permitted by conditional use in this chapter (~~((shall also be))~~) are also permitted outright or by conditional use, subject to the same use regulations, development standards and administrative conditional use criteria that govern the similar uses.

2. (~~((Public Facilities Not Meeting Development Standards Requiring))~~) Waivers or Modification by City Council for Similar Uses (~~((Approval))~~). The City Council may waive or modify applicable development standards or conditional use criteria for those uses in public facilities that are similar to uses permitted outright or permitted by conditional use according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.



3. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright or permitted by a conditional use or special exception under this chapter may be permitted by the City Council. City Council may waive or modify development standards or conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

4. Uses in public facilities not meeting development standards. In all industrial zones, uses in public facilities not meeting development standards may be permitted by the Council if the following criteria are satisfied:

a. The project provides unique services (~~((which))~~) that are not provided to the community by the private sector, such as police and fire stations; and

b. The proposed location is required to meet specific public service delivery needs; and

c. The waiver or modification to the development standards is necessary to meet specific public service delivery needs; and

d. The relationship of the project to the surrounding area has been considered in the design, siting, landscaping and screening of the facility.

5. Expansion of Uses in Public Facilities.

a. Major Expansion. Major expansions may be permitted to uses in public facilities allowed (~~((in))~~) pursuant to subsections 23.50.012.C.1(~~((C1))~~), 23.50.012.C.2(~~((C2))~~) and 23.50.012.C.3(~~((C3))~~) above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use is one that (~~((occurs~~

6. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

Form Last Revised on December 17, 2008

1                   1. The height of the structure shall not exceed ~~((thirty (30)))~~ 30 feet as measured  
2 from the existing rooftop elevation and be limited to only one ~~((4))~~ story;

3                   2. The height shall not exceed the height of the highest portion or feature of the  
4 building or attached structure(s);

5                   3. The footprint of the structure shall not exceed ~~((thirty (30)))~~ 30 percent of the  
6 total roof area on which the structure is located; and

7                   4. The structure shall be designed to include a minimum of ~~((thirty (30)))~~ 30  
8 percent transparent and/or translucent exterior building materials.

9  
10                   ~~((Rooftop recreational space meeting the above standards shall not be subject to  
11 the limits on maximum size of nonindustrial uses, and the gross floor area of the rooftop  
12 recreational space shall be exempt from FAR calculations.))~~

13  
14                   5. The rooftop recreational space permitted under this ~~((§))~~ subsection  
15 23.50.012.D shall be used only for ~~((active or passive))~~ recreational uses and cannot be used for  
16 or converted to ~~((office or))~~ other ~~((nonrecreational))~~ uses.

17                   E. Adult Cabarets.

18                   1. Any lot line of property containing any proposed new or expanding adult  
19 cabaret must be 800 feet or more from any lot line of property on which any of the following  
20 uses has been established by permit or otherwise recognized as legally established: community  
21 center; child care center; school, elementary or secondary; or public parks and open space use.

22                   2. Any lot line of property containing any proposed new or expanding adult  
23 cabaret must be 600 feet or more from any lot line of property for which a permit has been issued  
24 for any other adult cabaret.  
25  
26

3. The analysis required by subsections 23.50.012.E.1 and E.2 shall be based on the facts that exist on the earlier of:

a. ~~(( ))~~ the date a complete application is made for a building permit for an adult cabaret for the property proposed to contain the new or expanding adult cabaret, or

b. ~~(( ))~~ the date of publication of notice of the Director's decision on the Master Use Permit application to establish or expand an adult cabaret use, if the decision can be appealed to the Hearing Examiner, or the date of the Director's decision if no Hearing Examiner appeal is available.

Table A for 23.50.012 Uses in Industrial Zones					
PERMITTED AND PROHIBITED USES BY ZONE					
USES	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
A. AGRICULTURAL USES					
A.1. Animal Husbandry	X	X	X	X	X
A.2. Aquaculture	P	P	P	P	P
A.3. Horticulture	X	X	X	X	X
B. CEMETERIES	X	X	X	X	X
C. COMMERCIAL USES					
C.1. Animal Shelters and Kennels	X(1)	P	P	P	P
C.2. Eating and drinking establishments	P	P	P	P	P
C.3. Entertainment Uses					
C.3.a. Cabarets, adult	P(13)	P(13)	X	X	X

Table A for 23.50.012 Uses in Industrial Zones						
		PERMITTED AND PROHIBITED USES BY ZONE				
USES		IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
	C.3.b. Motion picture theaters, adult	X	X	X	X	X
	C.3.c. Panorams, adult	X	X	X	X	X
	C.3.d. Sports and recreation, indoor	P	P	P	X	P
	C.3.e. Sports and recreation, outdoor	P	P	P	X	P
	C.3.f. Theaters and spectator sports facilities					
	C.3.f.i. Lecture and meeting halls	P	P	P	P	P
	C.3.f.ii. Motion picture theaters	P	P	P	X	X
	C.3.f.iii. Performing arts theaters	P	P	P	X	X
	C.3.f.iv. Spectator sports facilities	P	P	P	X(2)	X(2)
	C.4. Food processing and craft work	P	P	P	P	P
	C.5. Laboratories, Research and development	P	P	P	P	P
	C.6. Lodging uses	CU	CU	CU	X	X
	C.7. Medical services (3)	P	P	P	P	P
	C.8. Offices	P	P	P	P	P
	C.9. Sales and services, automotive	P	P	P	P	P
	C.10. Sales and services, general	P	P	P	P	P

Table A for 23.50.012 Uses in Industrial Zones					
	PERMITTED AND PROHIBITED USES BY ZONE				
USES	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
C.11. Sales and services, heavy	P	P	P	P	P
C.12. Sales and services, marine	P	P	P	P	P
D. HIGH-IMPACT USES	X	X or CU(4)	X or CU(5)	X or CU(5)	X or CU(5)
E. INSTITUTIONS					
E.1. Adult care centers	X	X	X	X	X
E.2. Child care centers	P	P	P	P	P
E.3. Colleges	EB	EB	EB	X(6)	X(6)
E.4. Community centers and Family support centers	EB	EB	EB	P	P
E.5. Community clubs	EB	EB	EB	X	P
E.6. Hospitals	EB	EB	CU(7)	P	P
E.7. Institutes for advanced study	P	P	P	X	X
E.8. Libraries	X	X	X	X	X
E.9. Major institutions subject to the provisions of Chapter 23.69	EB	EB	EB	EB	EB
E.10. Museums	EB	EB(9)	EB	X(8)	X(8)
E.11. Private Clubs	EB	EB	EB	X	X
E.12. Religious facilities	P	P	P	P	P
E.13. Schools, elementary or secondary	EB	EB	EB	X	X
E.14. Vocational or fine arts schools	P	P	P	P	P
F. LIVE-WORK UNITS	X	X	X	X	X

Table A for 23.50.012 Uses in Industrial Zones					
	PERMITTED AND PROHIBITED USES BY ZONE				
USES	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
<b>G. MANUFACTURING USES</b>					
G.1. Manufacturing, light	P	P	P	P	P
G.2. Manufacturing, general	P	P	P	P	P
G.3. Manufacturing, heavy	CU	X or CU(10)	P or CU(11)	P	P
<b>H. PARKS AND OPEN SPACE</b>	P	P	P	P	P
<b>I. PUBLIC FACILITIES</b>					
I.1. Jails	X	X	X	X	X
I.2. Work-release centers	X	X	X	X	X
I.3. Other public facilities	CCU	CCU	CCU	CCU	CCU
<b>J. RESIDENTIAL USES</b>					
J.1. Residential uses not listed below	X	X	X	X	X
J.2. Artist's studio/dwellings	EB/CU	EB/CU	EB/CU	EB/CU	EB/CU
J.3. Caretaker's quarters	P	P	P	P	P
J.4. Residential use, except artist's studio/dwellings and caretaker's quarters, in a landmark structure or landmark district	CU	CU	CU	CU	CU
<b>K. STORAGE USES</b>					
K.1. Mini-warehouses	P	P	P	X	P
K.2. Storage, outdoor	P	P	P	P	P
K.3. Warehouses	P	P	P	P	P

Table A for 23.50.012 Uses in Industrial Zones						
		PERMITTED AND PROHIBITED USES BY ZONE				
USES		IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
L. TRANSPORTATION FACILITIES						
L.1. Cargo terminals		P	P	P	P	P
L.2. Parking and moorage						
	L.2.a. Boat moorage	P	P	P	P	P
	L.2.b. Dry boat storage	P	P	P	P	P
	L.2.c. Parking, principal use, except as listed below	P	P or <u>X(14)</u>	P	X(2)	X(2)
	L.2.c.i. Park and Pool Lots	P(12)	P(12)	P(12)	CU	CU
	L.2.c.ii. Park and Ride Lots	CU	CU	CU	CU	CU
L.2.d. Towing services		P	P	P	P	P
L.3. Passenger terminals		P	P	P	P	P
L.4. Rail Transit Facilities		P	P	P	P	P
L.5. Transportation facilities, air						
	L.5.a. Airports (land- based)	X	CCU	CCU	CCU	CCU
	L.5.b. Airports (water- based)	X	CCU	CCU	CCU	CCU
	L.5.c. Heliports	X	CCU	CCU	CCU	CCU
	L.5.d. Helistops	CCU	CCU	CCU	CCU	CCU



Table A for 23.50.012 Uses in Industrial Zones						
		PERMITTED AND PROHIBITED USES BY ZONE				
USES		IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
L.6. Vehicle storage and maintenance						
	L.6.a. Bus bases	CU	CU	CU	CU	CU
	L.6.b. Railroad switchyards	P	P	P	P	P
	L.6.c. Railroad switchyards with a mechanized hump	X	X	CU	CU	CU
	L.6.d. Transportation services, personal	P	P	P	P	P
M. UTILITY USES						
	M.1. Communication Utilities, major	CU	CU	CU	CU	CU
	M.2. Communication Utilities, minor	P	P	P	P	P
	M.3. Power Plants	X	CCU	P	P	P
	M.4. Recycling	P	P	P	P	P
	M.5. Sewage Treatment Plants	X	CCU	CCU	CCU	CCU
M.6. Solid waste management						
	M.6.a. Salvage yards	X	X	P	P	P
	M.6.b. Solid waste transfer stations	X	CU	CU	CU	CU
	M.6.c. Solid waste incineration facilities	X	CCU	CCU	CCU	CCU
	M.6.d. Solid waste landfills	X	X	X	X	X

Table A for 23.50.012 Uses in Industrial Zones					
PERMITTED AND PROHIBITED USES BY ZONE					
USES	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
M.7. Utility Services Uses	P	P	P	P	P

# KEY

CU = Administrative conditional use

CCU = Council conditional use

EB = Permitted only in a building existing on October 5, 1987

EB/CU = Administrative conditional use permitted only in a building existing on October 5, 1987.

P = Permitted

X = Prohibited

(1) Animal shelters and kennels maintained and operated for the impounding, holding and/or disposal of lost, stray, unwanted, dead or injured animals are permitted.

(2) Parking required for a spectator sports facility or exhibition hall is allowed and shall be permitted to be used for general parking purposes or shared with another such facility to meet its required parking. A spectator sports facility or exhibition hall within the Stadium Transition Area Overlay (~~(Area)~~) District may reserve parking. Such reserved non-required parking shall be permitted to be used for general parking purposes and is exempt from the one (~~((4))~~) space per (~~((six hundred fifty (650)))~~) 650 square feet ratio under the following

circumstances:

(a) The parking is owned and operated by the owner of the spectator sports facility or exhibition hall, and

(b) The parking is reserved for events in the spectator sports facility or exhibition hall, and

(c) The reserved parking is outside of the Stadium Transition Area Overlay (~~Area~~) District, and south of South Royal Brougham Way, west of 6th Avenue South and north of South Atlantic Street. Parking that is covenanted to meet required parking will not be considered reserved parking.

(3) Medical service uses over (~~ten thousand (10,000)~~) 10,000 square feet, within (~~two thousand five hundred (2,500)~~) 2,500 feet of a medical Major Institution Overlay District boundary, shall require administrative conditional use approval, unless included in an adopted major institution master plan. See Section 23.50.014.

(4) The high-impact uses listed (~~at~~) in subsection (~~(B10 of Section)~~) 23.50.014.B.10 may be permitted as conditional uses.

(5) High-impact uses may be permitted as conditional uses as provided at subsection (~~(B5 of Section)~~) 23.50.014.B.5.

(6) A college or university offering a primarily vocational curriculum within the zone is permitted.

(7) Hospitals may be permitted as a conditional use where accessory to a research and development laboratory or an institute for advanced study pursuant to subsection

23.50.014.B.14.

(8) Museums are prohibited except in buildings or structures that are designated City of Seattle landmarks.

(9) On IC zoned parcels within the Ballard Hub Urban Village and abutting Market Street, museums are allowed in new buildings or structures.

(10) The heavy manufacturing uses listed in subsection ~~((B9 of Section))~~ 23.50.014.B.9 may be permitted as a conditional use. All other heavy manufacturing uses are prohibited.

(11) Heavy manufacturing uses may be permitted as a conditional use within the Queen Anne Interbay area as provided at subsection ~~((C of Section))~~ 23.50.014.C.

(12) Park and pool lots are not permitted within ~~((three thousand (3,000)))~~ 3,000 feet of the Downtown Urban Center.

(13) Subject to subsection 23.50.012.E.

(14) Prohibited in the IC 85-160 and the IC 65-160 zone for development that exceeds the base FAR limit.

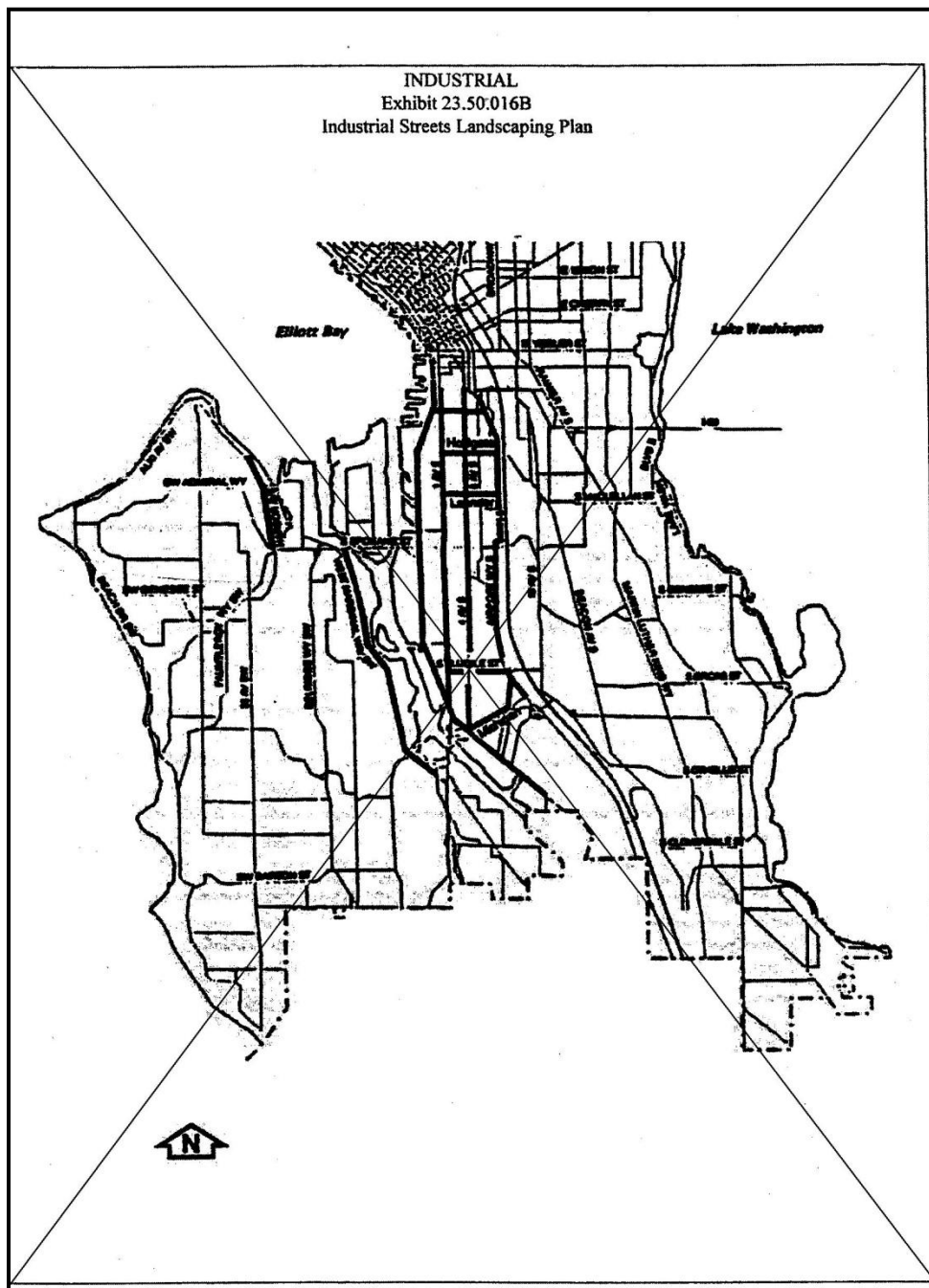
Section 47. Section 23.50.016 of the Seattle Municipal Code, which section was last amended by [Ordinance 123104](#), is amended as follows:

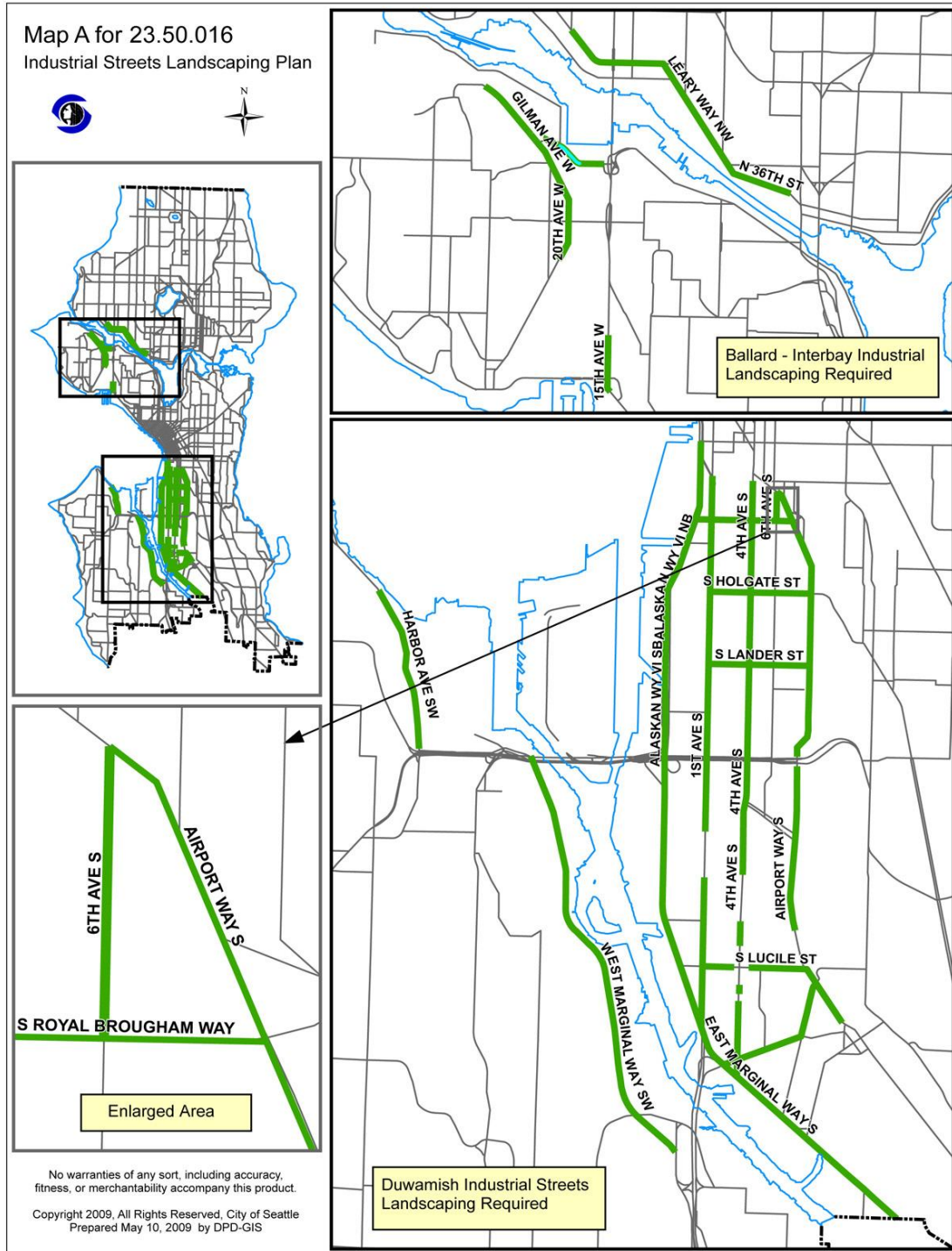
**23.50.016 Landscaping standards on designated streets~~((:))~~**

Uses located on streets ~~((which))~~ that have been designated on the Industrial Streets Landscaping Map~~((s))~~, ~~((Exhibits))~~ Map A for 23.50.016~~((A and B))~~, shall provide landscaping as outlined in subsections 23.50.016.A and 23.50.016.B below. ~~((See Exhibits 23.50.016 A and 23.50.016 B.)))~~

1           A. Street Trees. Street trees shall be required along designated street frontages. Street  
2 trees shall be provided in the planting strip according to Seattle Department of Transportation  
3 Tree Planting Standards.  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28









B. Exceptions to Street Tree Requirements.

1  
2 1. Street trees required by subsection 23.50.016.A ~~((of this section))~~ may be  
3 located on the lot at least ~~((two feet ((2'))~~) 2 feet from the street lot line instead of in the planting  
4 strip ~~((when))~~ if one or more of the following conditions exists:

5 a. Existing trees and/or landscaping on the lot provide improvements  
6 substantially equivalent to those required in this section~~((:))~~;

7 b. Existing conditions make it infeasible ~~((It is not feasible ))~~ to plant  
8 street trees according to City standards~~((:))~~ in the planting strip, in which case a ~~((A five-foot~~  
9 ~~((5'))~~) 5 foot deep landscaped setback area shall be required along ~~((the))~~ street ~~((property))~~ lot  
10 lines, and trees shall be planted there~~((:))~~;

11 c. If ~~((an on-site))~~ a landscaped area abutting the street lot line is  
12 ~~((already))~~ required ((:)) on the lot to meet other provisions of this chapter, then the trees shall be  
13 planted in the required landscaped area ~~((there))~~ if they cannot be placed in the planting strip~~((:))~~;  
14  
15 or

16 d. The existing landscaping along the street is characterized by trees  
17 and/or landscaping located on the lot along the street front, and an alternative tree location would  
18 provide continuity with landscaping on adjacent properties ~~((Continuity of landscaping on~~  
19 ~~adjacent properties along the street front is desirable))~~.

20  
21 2. Street trees shall not be required for an expansion of less than ~~((two thousand~~  
22 ~~five hundred (2,500))~~) 2,500 square feet of gross floor area. One ~~((Two (2))~~) street tree~~((s))~~ shall  
23  
24 be required for each additional ~~((one thousand (1,000))~~) 500 square feet of expansion over 2,500  
25 square feet of gross floor area. The maximum number of street trees shall be controlled by  
26

Seattle Department of Transportation standard. (~~(Rounding, per Section 23.86.002 B, shall not be permitted.)~~)

3. Street trees shall not be required when a change of use is the only permit requested.

4. Street trees shall not be required for an expansion of a surface parking area of less than (~~(twenty percent (20%))~~) 20 percent of parking area or number of parking spaces.

C. Screening. All outdoor storage (~~(, including off street parking for two (2) or more fleet vehicles, outdoor)~~) areas used for storage for recyclable materials, and outdoor manufacturing, repairing, refuse compacting or recycling activities(~~(,)~~) shall provide view-obscuring screening along street lot lines unless the outdoor storage or outdoor (~~(activity is)~~)activities are located at least (~~((fifteen feet (15'))~~) 15 feet above or below the elevation of the street lot line. If other provisions applicable to the lot (~~((the specific zone))~~) require(~~((s))~~) more extensive landscaping or screening provisions, the more extensive provisions shall apply.

Section 48. The title and subsection A of section 23.50.020 of the Seattle Municipal Code, which section was last amended by [Ordinance 123046](#), are amended as follows:

**23.50.020** (~~((All Industrial zones--))~~)**Structure height exceptions and additional restrictions**(~~((,))~~)

A. Rooftop Features. Where a height limit applies to a structure, except as provided in subsections 23.50.024.C.4, 23.50.024.D.4, 23.50.024.E.4 and 23.50.024.F.3 (~~(of Section 23.50.024))~~), the provisions in this subsection 23.50.020.A apply to rooftop features:

1. In all industrial zones, (~~((S))~~)smokestacks, chimneys and flagpoles, and religious symbols for religious institutions are exempt from height limits, except as regulated in

Chapter 23.64, Airport Height Overlay District, provided they are a minimum of ~~((ten-(10)))~~ 10 feet from any side or rear lot line.

2. Open railings, planters, skylights, clerestories, greenhouses, parapets and firewalls may extend ~~((four-(4)))~~ 4 feet above the applicable height limit with unlimited rooftop coverage.

3. In all industrial zones, ~~((S))~~ solar collectors may extend up to ~~((seven-(7)))~~ 7 feet above the applicable height limit, with unlimited rooftop coverage.

4. Additional height is permitted for specified rooftop features according to the provisions of this subsection 23.50.020.A.4.

a. The following rooftop features may extend up to ~~((fifteen-(15)))~~ 15 feet above the applicable height limit in all industrial zones, subject to the provisions of subsection 23.50.020.A.4.c ~~((, as long as the combined total coverage of all features listed in this subsection A4 does not exceed twenty (20) percent of the roof area, or twenty-five (25) percent of the roof area if the total includes screened mechanical equipment))~~:

~~((a-))~~1) Solar collectors;

~~((b-))~~2) Stair and elevator penthouses, except as provided for in subsection 23.50.020.A.4.b;

~~((c-))~~3) Mechanical equipment; and

~~((d-))~~4) Minor communication utilities and accessory communication devices, except that height is regulated according to the provisions of Section 23.57.015.

b. In the IC 65-160 and IC 85-160 zones, elevator penthouses may extend up to 25 feet above the applicable height limit, subject to the provisions of subsection 23.50.020.A.4c.

c. The combined total coverage of all features listed in subsections 23.50.020.A.4.a and 23.50.020.A.4.b is limited to 20 percent of the roof area, or 25 percent of the roof area if the total includes screened mechanical equipment.

5. Within the South Lake Union Urban Center, at the applicant's option, the combined total coverage of all features listed in subsection A4 above may be increased to ~~((sixty-five (-)))~~ 65 ~~((+)))~~ percent of the roof area, provided that all of the following are satisfied:

a. All mechanical equipment is screened; and

b. No rooftop features are located closer than ~~((ten (-)))~~ 10 ~~((+)))~~ feet to the roof edge.

6. Within the IC 65-160 zone and the IC 85-160 zone, solar collectors and wind-driven power generators may extend up to 15 feet above the applicable height limit, with unlimited rooftop coverage, and are not subject to a coverage limit under subsection 23.50.020.A.4.c.

\* \* \*

Section 49. Section 23.50.026 of the Seattle Municipal Code, which section was last amended by Ordinance 122611, is amended as follows:

**23.50.026 Structure height in IC zones~~((:))~~**

1 A. Except as may be otherwise provided in this title, the maximum structure height in  
2 IC zones for all uses is ~~((thirty (30) feet, forty five (45) feet, sixty five (65) feet, eighty five (85)~~  
3 ~~feet or one hundred twenty five (125) feet,))~~ as designated on the Official Land Use Map,  
4 Chapter 23.32. ~~((Only areas in the Stadium Transition Area Overlay District abutting the PSM~~  
5 ~~85/120 zone may be designated for a height limit of one hundred twenty five (125) feet.))~~  
6 Maximum structure height may be increased or reduced as provided in this section or Section  
7 23.50.020. An overlay district may increase or reduce the maximum structure height.  
8

9 B. Water-dependent uses within the Shoreline District shall only be subject to the height  
10 limits of the applicable shoreline environment, Chapter 23.60.

11 C. Within the area shown on Exhibit 23.50.026<sub>2</sub>((~~-~~))A, areas zoned IC(~~(/)~~)<sub>45</sub> are subject  
12 to the following height regulations (See Exhibit 23.50.026<sub>2</sub>((~~-~~))A):  
13

14 1. Except as provided in subsection 23.50.026.C.2.c ~~((below))~~, structures with no  
15 story at least ~~((fifteen (15)))~~ 15 feet in height are limited to a maximum height of ~~((forty (40)))~~ 40  
16 feet.

17 2. A ~~((sixty five (65)))~~ 65 foot structure height is permitted as a special  
18 exception provided that:

19 a. Provision is made for view ~~((corridor(s)))~~ corridor(s) looking from  
20 Elliott Avenue toward~~((s))~~ Puget Sound;

21 ~~((f))~~ 1) The location of the view corridor(s) shall be determined  
22 by the Director upon consideration of such factors as existing view corridors, the location of  
23 street rights-of-way, and the configuration of the lot,  
24  
25  
26  
27  
28

1 ((f)) 2) The view corridor(s) shall have a width not less than  
2 ((~~thirty five (35)~~)) 35 percent of the width of the lot,

3 ((f)) 3) The minimum width of each required view corridor shall  
4 be ((~~thirty (30)~~)) 30 feet measured at Elliott Avenue West,

5 ((f)) 4) Measurement, modification or waiver of the view  
6 corridor(s) shall be according to the Seattle Shoreline Master Program measurement regulations,  
7 Chapter 23.60. Where a waiver under these provisions is granted, the ((~~sixty five (65)~~)) 65 foot  
8 structure height shall still be permitted,  
9

10 ((f)) 5) Parking for motor vehicles shall not be located in the view  
11 corridor unless the area of the lot where the parking would be located is ((~~four (4)~~)) 4 or more  
12 feet below the level of Elliott Avenue West;  
13

14 b. Development shall be located so as to maximize opportunities for  
15 views of Puget Sound for residents and the general public; and

16 c. The structure contains at least two ((~~2~~)) stories at least ((~~fifteen (15)~~))  
17 15 feet in height; with the exception that no story in an accessory parking structure is required to  
18 be at least ((~~fifteen (15)~~)) 15 feet in height.  
19

20 D. Within the South Lake Union Urban Center:

21 1. The maximum structure height in IC zones with ((~~sixty five (65)~~)) 65 foot and  
22 ((~~eighty five (85)~~)) 85 foot height limits may be increased to ((~~eighty five (85)~~)) 85 feet and  
23 ((~~one hundred and five (105)~~)) 105 feet, respectively, provided that:

24 a. A minimum of two ((~~2~~)) stories in the structure have a floor to floor  
25 height of at least ((~~fourteen (14)~~)) 14 feet; and  
26

b. The additional height is used to accommodate mechanical equipment;  
and

c. The additional height permitted does not allow more than six ~~((6))~~  
stories in IC zones with a ~~((sixty-five (65)))~~ 65 foot height limit, or more than seven ~~((7))~~  
stories in IC zones with an ~~((eighty-five (85)))~~ 85 foot height limit.

2. The maximum structure height of structures qualifying for additional floor  
area under the provisions of ~~((s))~~Section 23.50.051 is ~~((one hundred and sixty (160)))~~ 160 feet.

E. Within the IC 65-160 and IC 85-160 zones, the first figure shown in the zone  
designation is the base height limit, which is the height limit for all uses on a lot that does not  
include extra floor area. Extra floor area means chargeable non-residential floor area allowed in  
addition to the base FAR under Chapter 23.58A. The second figure is the highest possible height  
limit for all uses on a lot that includes extra floor area. The maximum height is allowed only if  
the structure complies with requirements for additional height specified in this chapter.

F. In the IC 65-160 zone, within 250 feet of South Royal Brougham Way, the height of a  
structure shall not exceed 85 feet, exclusive of rooftop features allowed under Section 23.50.020.

Section 50. Section 23.50.027 of the Seattle Municipal Code, which section was last  
amended by Ordinance [Adaptive Reuse CB 116774](#), are amended as follows:

**23.50.027 Maximum size of nonindustrial use~~((:))~~**

**A. Applicability.**

1. Except as otherwise provided in this Section 23.50.027, the maximum size of  
use limits on gross floor area specified in Table A for 23.50.027 apply to principal uses on a lot,  
and apply separately to the categories of uses. The total gross floor area occupied by uses limited

1 under Table A for 23.50.027 shall not exceed 2.5 times the area of the lot in an IG1, IG2, IB or  
2 IC zone, or three times the lot area in IC zones with 65-foot or 85-foot height limits in the South  
3 Lake Union Urban Center.

4                   2. The combined square footage of any one business establishment located on  
5 more than one lot is subject to the size limitations on non-industrial uses specified on Table A for  
6 23.50.027.

7                   3. The maximum size of use limits in Table A for 23.50.027 do not apply to the  
8 area identified in ((~~Exhibit~~)) Map A for 23.50.027((A)). In that area no single non-office use  
9 listed in Table A for 23.50.027 may exceed 50,000 square feet in size.  
10

11                   4. There is no limit under this Section on the size of uses in projects that qualify  
12 for additional floor area under Section 23.50.051.  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



**TABLE A FOR 23.50.027  
 SIZE OF USE LIMITS IN INDUSTRIAL ZONES**

<b>Uses Subject to Size Limits</b>	<b>IG1</b>	<b>IG2</b>	<b>IB</b>	<b>IC Outside the (<del>Du</del>wamish MIC))<u>Stadium Transition Area Overlay District</u></b>	<b>IC Within the (<del>Du</del>wamish MIC))<u>Stadium Transition Area Overlay District</u></b>
Animal Shelters and Kennels*	10,000 sq. ft.	10,000 sq. ft.	75,000 sq. ft.	75,000 sq. ft.	N.S.L.
Drinking establishments**	3,000 sq. ft.	3,000 sq. ft.	N.S.L.	N.S.L.	N.S.L.
Entertainment*	10,000 sq. ft.	10,000 sq. ft.	75,000 sq. ft.	75,000 sq. ft.	N.S.L.
Lodging Uses*	10,000 sq. ft.	10,000 sq. ft.	75,000 sq. ft.	75,000 sq. ft.	N.S.L.
Medical Services*	10,000 sq. ft.	10,000 sq. ft.	75,000 sq. ft.	75,000 sq. ft.	N.S.L.
Office	10,000 sq. ft.	25,000 sq. ft.	100,000 sq. ft.	N.S.L.	N.S.L.
Restaurants	5,000 sq. ft.	5,000 sq. ft.	N.S.L.	N.S.L.	N.S.L.
Retail Sales, Major Durables	10,000 sq. ft.	25,000 sq. ft.	75,000 sq. ft.	75,000 sq. ft., <u>except 30,000 sq. ft. in IC 85-160 zones</u>	N.S.L., <u>except 30,000 sq. ft. in IC 65-160 zones</u>
Sales and Services, Automotive	10,000 sq. ft.	25,000 sq. ft.	75,000 sq. ft.	75,000 sq. ft., <u>except N.S.L. in IC 85-160 zones</u>	N.S.L., <u>except 30,000 sq. ft. in IC 65-160 zones</u>
Sales and Services, General	10,000 sq. ft.	25,000 sq. ft.	75,000 sq. ft.	75,000 sq. ft., <u>except 30,000 sq. ft. in IC 85-160 zones</u>	N.S.L. , <u>except 30,000 sq. ft. in IC 65-160 zones</u>

**TABLE A FOR 23.50.027  
 SIZE OF USE LIMITS IN INDUSTRIAL ZONES**

Uses Subject to Size Limits	IG1	IG2	IB	IC Outside the <del>((Duwamish MIC))</del> Stadium Transition Area Overlay District	IC Within the <del>((Duwamish MIC))</del> Stadium Transition Area Overlay District
--------------------------------	-----	-----	----	--	---

Key for Table A for 23.50.027

N.S.L. = No Size Limit

\* Where permitted under Table A for 23.50.012.

\*\* The size limit for brew pubs applies to that portion of the pub that is not used for brewing purposes.

B. The following exceptions to the size limitations in Table A for 23.50.027 are allowed for a structure existing as of September 26, 2007:

1. A use legally established as of September 26, 2007 that already exceeds the size limitations listed in Table A for 23.50.027 may continue.

2. Subject to the limitations in subsection 23.50.027.E, the gross floor area of a use listed in Table A for 23.50.027 and legally established as of September 26, 2007 may be converted to another category of use listed in Table A for 23.50.027 provided that the combined gross floor area devoted to uses listed in Table A for 23.50.027 does not exceed the total gross floor area of such uses legally established as of September 26, 2007.

3. If ~~((fifty (50)))~~ 50 percent or more of the gross floor area of the structure has been legally established as of September 26, 2007 with a use or uses listed in Table A for 23.50.027, those categories of uses may exceed the size of use limits as follows:

a. Uses listed in Table A for 23.50.027 may expand within and occupy the entire structure.

b. The structure may be expanded by up to the following amounts and the use or uses may be permitted to expand within and occupy the entire structure:

((~~1~~))1) IG1 and IG2 Zones: ((~~Twenty (20)~~)) 20 percent of the existing structure's gross floor area or ((~~ten thousand (10,000)~~)) 10,000 square feet, whichever is less;

((~~2~~))2) IB and IC Zones: ((~~Twenty (20)~~)) 20 percent of the existing structure's gross floor area or ((~~twenty thousand (20,000)~~)) 20,000 square feet, whichever is less.

C. Special Exceptions for Office Use.

1. Office Uses that are not Public Facilities Operated for Public Purposes by Units or Instrumentalities of Special or General Purpose Government or the City.

a. The Director may permit an office use to exceed the size of use limits as a special exception pursuant to Chapter 23.76, Master Use Permits and Council Land Use Decisions provided that the total gross floor area devoted to the uses limited in Table A for 23.50.027 shall not exceed an area equal to the area of the lot in an IG1 zone or ((~~two and one-half (2.5)~~)) 2.5 times the area of the lot in an IG2 or IB zone, and either the office is on the same lot as, and accessory to, a permitted use not listed in Table A for 23.50.027; or the office is a principal use on the same or another lot within ((~~one (1)~~)) 1 mile distance of a permitted use not listed in Table A for 23.50.027 and is directly related to and supportive of that use.

b. The Director shall use the following characteristics to determine whether to approve, approve with conditions or deny a special exception:

1 ((f))1) Characteristics that make a lot more appropriate for office  
2 uses are:

3 ((a)) a) The presence of well-defined boundaries, buffers,  
4 edge conditions or circulation patterns which separate office uses from industrial activity;

5 ((b)) b) The likelihood that the proposed use will provide  
6 or encourage improvements that will directly support industrial activity in the area;

7 ((c)) c) The likelihood that the proposed use, because of  
8 its type, size and location, will operate without substantial conflicts with the industrial function  
9 of the area;

10 ((d)) d) A sufficiently large industrial area such that the  
11 proposed use would not undermine the area's industrial character.

12 ((f)) 2) Characteristics that make a lot less appropriate for office  
13 uses are:

14 ((a)) a) The presence of heavy industrial uses which  
15 would conflict with office use;

16 ((b)) b) The presence of any special features, such as  
17 access to the water, rail and the regional highway systems, which make the land especially well-  
18 suited to industrial use.

19 2. Office Uses in Public Facilities Operated for Public Purposes by Units or  
20 Instrumentalities of Special or General Purpose Government or the City in IG1 Zones. The  
21 Director may permit office uses in existing vacant structures that were and are to be used as  
22 public facilities operated for public purposes by units or instrumentalities of special or general  
23

purpose government or the City on lots zoned IG1 to exceed the size limits referenced in Table A  
for 23.50.027 as a special exception pursuant to Chapter 23.76, Master Use Permits and Council  
Land Use Decisions under the following circumstances:

a. Eligible Sites. To be eligible to apply for this exception the lot must  
meet the following criteria:

((f)) 1) The lot and its structures must be owned by a unit or  
instrumentality of special or general purpose government or the City and must have been owned  
by a unit or instrumentality of special or general purpose government or the City on January 1,  
2000;

((f)) 2) The lot is at least ~~((five hundred thousand (500,000)))~~  
500,000 square feet;

((f)) 3) The lot contains existing structures with a total gross floor  
area of at least ~~((three hundred thousand (300,000)))~~ 300,000 square feet that were at least ~~((fifty  
(50)))~~ 50 percent vacant continuously since September 1, 1997; and

((f)) 4) The lot and the existing structures on the lot must have  
functioned most recently as a public facility operated for a public purpose by a unit or  
instrumentality of special or general purpose government or the City, and

((f)) a) The previous public facility must have had at least  
~~((ten (10)))~~ ten percent of its gross floor area functioning as accessory or principal offices; and

((f)) b) The previous public facility must have at least  
~~((twenty five (25)))~~ 25 percent of its gross floor area functioning as one ~~((4))~~ or more of the  
following uses or categories of uses:

((f))i((g)) Warehouse,

((f))ii((g)) Light, general or heavy manufacturing,

((f))iii((g)) Food processing or craft work,

((f))iv((g)) Transportation facilities,

((f))v((g)) Salvage and recycling, or

((f))vi((g)) Utilities other than solid waste

landfills,

b. Development Standards. The proposed public facility must meet the following development standards in order for a special exception to be approved;

((f))1) The existing structure or structures will remain on the lot and will be reused for the proposed public facility, except that demolition of up to ~~((twenty (20)))~~ 20 percent of the gross floor area of the existing structures and/or an addition of up to ~~((twenty (20)))~~ 20 percent of the gross floor area of the existing structures is allowed;

((f))2) The total gross floor area to be devoted to office use in the proposed public facility will not exceed the lesser of ~~((fifty five (55)))~~ 55 percent of the gross floor area of the existing structures on the lot or an area equal to the area of the lot; and

((f))3) At least ~~((twenty five (25)))~~ 25 percent of the gross floor area of the structures in the proposed public facility must include one or more of the following uses or categories of uses:

((f))a) Warehouse;

((f))b) Light, general or heavy manufacturing;

((f))c) Food processing or craft work;

((f))d) Transportation facilities;

((f))e) Salvage or recycling; or

((f))f) Utilities other than solid waste landfills.

D. Covered rooftop recreational space of a building existing as of December 31, 1998, when complying with the provisions of Section 23.50.012.D, shall not be subject to the limits on maximum size of nonindustrial uses contained in subsection 23.50.028.A ~~((of this section))~~.

E. Special Exception to Maximum Sizes for General Sales and Service Use.

1. Subject to the procedures set forth in Chapter 23.76, Master Use Permits and Council Land Use Decisions, a general sales and service use within the Duwamish Manufacturing/Industrial Center that satisfies the criteria in this subsection may obtain a special exception to expand its gross floor area by a maximum of ~~((thirty (30)))~~ 30 percent above the gross floor area being used for general sales and service use as of October 1, 2003. The expansion in gross floor area may occur one time only, either by addition to the existing building or by construction of a replacement building, in which case the gross floor area of the portion of the replacement building to be used for general sales and service use must not exceed the gross floor area of the old building that was used for general sales and service use as of October 1, 2003, plus ~~((thirty (30)))~~ 30 percent of that gross floor area.

2. To be eligible for this special exception an applicant must demonstrate to the Director's satisfaction that:

a. The general sales and service use was established on a lot on or before January 1, 1985, the use has continued as an established general sales and service use since that

1 date without interruption, and it exceeded the size of use limits in Table A for 23.50.027 as of  
2 September 12, 2007;

3 b. At least ~~((fifty (50)))~~ 50 percent of the gross sales of the general sales  
4 and service use are to businesses or business representatives; and

5 c. The use has not previously converted any use listed in Table A for  
6 23.50.027 to general sales and service pursuant to subsection 23.50.027.B.2 ~~((of this section))~~ or  
7 expanded the gross floor area of the general sales and service use pursuant to subsections  
8 23.50.027.B.3.a or 23.50.027.B.3.b ~~((of this section))~~.  
9

10 3. The Director shall consider the following and may impose conditions to  
11 assure that these criteria are met:

12 a. That well-defined boundaries, buffers, edge conditions or circulation  
13 patterns will separate the use, if the gross floor area of the general sales and service use is  
14 expanded, from surrounding industrial activity;

15 b. That adverse impacts on nearby industrial uses are minimized; and

16 c. That the proposed expansion of the gross floor area of the general sales  
17 and service use will increase the capacity of the existing use to support other businesses by  
18 providing goods and services that are used by such businesses as well as by individual  
19 consumers in the Duwamish Manufacturing/Industrial Center.  
20  
21

22 4. To be eligible for expansion onto a contiguous lot that is not separated by a  
23 street, alley or other right-of-way, the applicant also must demonstrate that:  
24  
25  
26  
27  
28



a. The established use on the contiguous lot is a use that is permitted in commercial as well as industrial zones, and that use has been established for at least ten ~~((10))~~ years prior to the date of application; and

b. The most recent business establishment on the contiguous lot has ceased operations or moved to another location for reasons unrelated to the proposed expansion of the general sales and service use that is applying for the special exception.

5. Any general sales and service use that has expanded its gross floor area pursuant to a special exception granted pursuant to this section may not thereafter convert any use listed in Table A for 23.50.027 to retail pursuant to subsection 23.50.027.B.2 of this section or expand~~((ed))~~ the gross floor area of the general sales and service use pursuant to subsections 23.50.027.B.3.a or 23.50.027.B.3.b ~~((of this section))~~.

\*\*\*

G. Rooftop Recreational Space in IG1 and IG2 Zones. Rooftop recreational space in IG1 and IG2 Zones accessory to office use and meeting the standards of subsection 23.50.012.D is not subject to the limits on maximum size of nonindustrial uses.

Section 51. Section 23.50.028 of the Seattle Municipal Code, which section was last amended by Ordinance 122611, is amended as follows:

**23.50.028 Floor area limits~~((ratio:))~~**

The applicable floor area ratio (FAR), as provided below, determines the permitted chargeable floor area on a lot, except as expressly otherwise provided.

A. General Industrial 1 and General Industrial 2, Floor Area Ratio. The total maximum FAR ~~((shall be))~~ is ~~((two and one half (2.5)))~~.

B. Industrial Buffer, Floor Area Ratio. The maximum FAR for all uses on lots in the Industrial Buffer (IB) zone is 2.5 ~~((shall be two and one half))~~ ~~((?))~~.

C. Industrial Commercial, Floor Area Ratio. The base and maximum floor area ratios (FARs) for IC zones are set forth on Table A for 23.50.028 ~~((Except within the South Lake Union Urban Center, the maximum FAR in all Industrial Commercial (IC) zones is two and one half (2.5).))~~

~~D. Industrial Commercial/South Lake Union, Floor Area Ratio. Within the South Lake Union Urban Center, the maximum FAR in Industrial Commercial zones is three (3) except as provided in Section 23.50.051.))~~

**Table A for 23.50.028 – Floor Area Ratios**

<b><u>Zone Designation</u></b>	<b><u>Base FAR</u></b>	<b><u>Maximum FAR</u></b>
<u>All IC zones except as otherwise stated below in this table</u>	<u>2.5</u>	<u>2.5</u>
<u>IC 65 and IC 85 zones within the South Lake Union Urban Center, except in the area designated on Exhibit 23.50.051A</u>	<u>3</u>	<u>3</u>
<u>IC 85 zone within the portion of the South Lake Union Urban Center designated on Exhibit 23.50.051A</u>	<u>3</u>	<u>7</u>
<u>IC 65 and IC 85 zones within the Stadium Transition Area Overlay District</u>	<u>3</u>	<u>3</u>
<u>IC 65-160</u>	<u>3</u>	<u>5<sup>1</sup></u>
<u>IC 85-160</u>	<u>2.5 FAR for all permitted uses,</u>	<u>3.5<sup>1</sup> ; except that</u>

**Table A for 23.50.028 – Floor Area Ratios**

<b><u>Zone Designation</u></b>	<b><u>Base FAR</u></b>	<b><u>Maximum FAR</u></b>
	<p>except that the combined chargeable floor area of the following uses is limited to 1 FAR or 50,000 square feet, whichever is greater:</p> <p>entertainment uses; lodging uses; medical services; office; restaurant; major durables retail sales; automotive sales and services; religious facilities; and general sales and services</p>	<p>if the total chargeable floor area of uses identified in the base FAR column is greater than 3.5 FAR, that amount of floor area is the maximum FAR.</p>
<p><u>Footnotes to Table A for 23.50.028</u></p> <p><sup>1</sup> additional floor area above the base FAR allowed according to subsection 23.50.028.D</p>		

**D. Extra floor area.**

1. Within a portion of the South Lake Union Urban Center, extra floor area above 3 FAR is allowed pursuant to the provisions of Section 23.50.051.

2. In the IC 65-160 and IC 85-160 zones, extra nonresidential floor area may be added above the base FAR up to the maximum limits allowed by subsection 23.50.028.C for development that satisfies all applicable conditions of Section 23.50.028, Section 23.50.033 and Chapter 23.58A.

a. Twenty-five percent of any extra nonresidential floor area, as defined in 23.58A.004, shall be gained through the transfer of development rights pursuant to the provisions of 23.50.053.

1                    b. Seventy-five percent of any extra nonresidential floor area shall be  
2 gained through provision of bonus nonresidential floor area pursuant to the provisions of Section  
3 23.58A.024, or through the transfer of housing TDR under the provisions of Section 23.50.053,  
4 or both.

5                    3. In the IC 85-160 zone in addition to satisfying the conditions of subsection  
6 23.50.028.D.2, for development to exceed the base FAR on a lot that has an area of 50,000  
7 square feet or more, an individual determination of project impacts on the need for pedestrian  
8 facilities and a voluntary agreement between the property owner and the City to mitigate  
9 identified impacts, if any, is required. The Director may consider the following as impact  
10 mitigation:

11                    a. Pedestrian walkways on a lot, including through-block connections on  
12 through lots, where appropriate, to facilitate pedestrian circulation by connecting structures to  
13 each other and abutting streets;

14                    b. Sidewalk improvements, including sidewalk widening, to  
15 accommodate increased pedestrian volumes and streetscape improvements that will enhance  
16 pedestrian comfort and safety; and

17                    c. Measures that will contribute to the following improvements to  
18 pedestrian facilities in the vicinity:

19                    1) Improvements to 6<sup>th</sup> Avenue South as the primary pedestrian  
20 and bicycle corridor connecting new development to the surrounding area and transit facilities;

21                    2) Improvements to facilitate pedestrian wayfinding to and  
22 from the Stadium Light Rail Station;

3) Improvements to enhance the pedestrian environment, such as providing overhead weather protection, landscaping, and other streetscape improvements; and

4) Improved pedestrian and bicycle crossing of Airport Way South at 6<sup>th</sup> Avenue South.

4. In the IC 85-160 zone, in addition to satisfying the conditions of subsection 23.50.028.D.2, for projects that exceed the base FAR and include 85,000 or more square feet of gross office floor area, an individual determination of impacts on open space resources is required and the Director may limit floor area or allow floor area subject to conditions, which may include a voluntary agreement between the property owner and the City to mitigate identified impacts, if any. The Director shall take into account the findings of subsection 23.49.016.A in assessing the demand for open space generated by a typical office project in an area permitting high employment densities.

a. The Director may consider the following as mitigation for open space impacts:

1) Open space provided on-site or off-site, consistent with the provisions in subsection 23.49.016.C, or provided through payment in lieu, consistent with the provisions of subsection 23.49.016.D, except that in all cases the open space shall be located on a lot in the IC 85-160 zone that is accessible to the project occupants, and

2) Additional pedestrian space through on-site improvements or streetscape improvements provided as mitigation for project impacts on pedestrian facilities pursuant to subsection 23.50.028.D.3.

b. The Director may determine that open space meeting standards differing from those contained or referred to in subsection 23.49.016.C will mitigate project impacts, based on consideration of relevant factors, including the following:

1) the density or other characteristics of the workers anticipated to occupy the project compared to the presumed office employment population providing the basis for the open space standards applicable under Section 23.49.016; and/or

2) characteristics or features of the project that mitigate the anticipated open space impacts of workers or others using or occupying the project.

E. ~~((All Industrial Zones,))~~Exemptions from FAR Calculations.

1. The following areas are exempt from FAR calculations in all industrial zones:

~~((1))~~a. All gross floor area below grade;

~~((2))~~b. All gross floor area used for accessory parking, except as provided in subsection 23.50.028.F;

~~((3))~~c. All gross floor area located on the rooftop of a structure and used for any of the following: mechanical equipment, stair and elevator penthouses, and communication equipment and antennas;

~~((4))~~d. All gross floor area used for covered rooftop recreational space of a building existing as of December 31, 1998 in an IG1 or IG2 zone, when complying with the provisions of ~~((Section))~~ subsection 23.50.012.D.~~((; and))~~

~~((5))~~2. In addition to areas exempt from FAR calculations in subsection 23.50.028.E.1, ~~((W))~~within the South Lake Union Urban Center, the following areas are also exempt from FAR calculations:

1 a. Gross floor area occupied by mechanical equipment, up to a maximum  
2 of ~~((fifteen (15)))~~ 15 percent of the floor area on the lot. The ~~((allowance))~~ maximum is  
3 calculated on the gross floor area of the structure after all other exempt space permitted under  
4 this subsection 23.50.028.E is deducted.

5 b. The following uses located at street level:

6 ~~((i-))~~1 General sales and service uses;

7 ~~((ii-))~~2 Eating and drinking establishments;

8 ~~((iii-))~~3 Entertainment uses;~~((and))~~

9 ~~((iv-))~~4 Public libraries; and

10 5) Religious facilities.

11  
12 3. In addition to areas exempt from FAR calculations in subsection  
13 23.50.028.E.1, within IC 65-160 and IC 85-160 zones, the following exemptions from FAR  
14 calculations apply:

15  
16 a. Three and one-half percent of the total chargeable gross floor area in a  
17 structure, as an allowance for mechanical equipment. Calculation of the allowance is based on  
18 the remaining gross floor area after all exempt space permitted in subsection 23.50.028.E is  
19 deducted.

20  
21 b. For structures built prior to the effective date of the ordinance adding  
22 this subsection 23.50.028.E.3.b, new or replacement mechanical equipment placed on the roof.

23 c. All gross floor area for solar collectors and wind-driven power  
24 generators.

d. The gross floor area of the following uses located at street level,  
provided that the conditions of Section 23.50.039 are satisfied:

- 1) General sales and service uses;
- 2) Eating and drinking establishments;
- 3) Entertainment use;
- 4) Public libraries;
- 5) Childcare facilities; and
- 6) Religious facilities.

4. In addition to areas exempt from FAR calculations in subsection  
23.50.028.E.1, in the IC 65-160 zone within the Stadium Transition Area Overlay District, for  
development on a lot that does not elect to use extra floor area, the floor area exemptions  
specified in Section 23.74.010 apply.

5. In addition to areas exempt from FAR calculations in subsection  
23.50.028.E.1, within IG1 and IG2 zones, the gross floor area of rooftop recreational space  
accessory to office use meeting the standards of subsection 23.50.012.D is exempt from FAR  
calculations.

F. Within the South Lake Union Urban Center and IC 65-160 and IC 85-160 zones, gross  
floor area used for accessory parking within stories that are completely above finished grade is  
not exempt, except that in the IC 65-160 and IC 85-160 zones, if the Director finds, as a Type I  
decision, that locating all parking below grade is infeasible due to physical site conditions such  
as a high water table, contaminated soils conditions, or proximity to a tunnel, and that the  
applicant has placed or will place the maximum feasible amount of parking below or partially



below grade, the Director may exempt all or a portion of accessory parking that is above finished grade. If any exemption is allowed under this subsection 23.50.028.F, all parking provided above grade shall be subject to the screening requirements of subsection 23.50.038.B.6.

G. Election for Certain Projects. Anything in Section 23.76.026 notwithstanding, the applicant for a Master Use Permit for a project in the South Lake Union Urban Center to which the Land Use Code in effect prior to the effective date of the ordinance enacting this subsection 23.50.028.G applies may, by written election, use the exemptions in subsection 23.50.028.E.5.b ((of this section)), provided that subsection 23.50.028.F ((of this section)) also shall apply.

H. Mechanical Equipment. Mechanical equipment located on the roof of a structure, whether enclosed or not, is included as part of the calculation of floor area, unless expressly exempted by an applicable provision of this Section 23.50.028.

Section 52. A new Section 23.50.033 of the Seattle Municipal Code is adopted, as follows:

**23.50.033 Extra floor area in IC 65-160 and IC 85-160 zones**

A. General. Projects in the IC 65-160 and IC 85-160 zones may add chargeable floor area above the base FAR up to the applicable maximum FAR limit in Section 23.50.028 if the provisions of Sections 23.58A.022 and 23.58A.024 for extra nonresidential floor area and all the applicable conditions of this chapter are satisfied. The provisions of this Section 23.50.033 apply to lots in IC 65-160 and IC 85-160 zones, and only to development exceeding the base FAR.

B. LEED requirement. The applicant shall make a commitment acceptable to the Director that the proposed development will earn a LEED Silver rating or meet a substantially

equivalent standard, and shall demonstrate compliance with that commitment, all in accordance with the provisions of Section 23.49.020.

C. Quantity of parking. Maximum parking limits on nonresidential uses established for Downtown zones in subsections 23.49.019.C and 23.49.019.D apply, and requirements for bicycle parking established in subsection 23.49.019.E apply.

D. Seattle Green Factor Landscaping Requirement. Development shall achieve a minimum Green Factor score of 0.30, calculated pursuant to Section 23.86.019.

Section 53. Section 23.50.038 of the Seattle Municipal Code, which section was enacted by [CB 116775](#), is amended as follows:

**23.50.038 Industrial Commercial--Screening and landscaping((=))**

A. Screening and landscaping requirements for all uses.

1. All property zoned Industrial Commercial (IC) and within a designated urban village or urban center shall achieve a Green Factor score of .30 or greater, pursuant to Section 23.86.019.

2. Standards. All landscaping provided to meet requirements under this section must meet standards promulgated by the Director to provide for the long-term health, viability and coverage of plantings. The standards may include, but are not limited to, the type and size of plants, number of plants, concentration of plants, depths of soil, use of low water use plants and access to light and air for plants.

3((2)). All uses shall provide street trees, unless it is determined by the Director to be infeasible. If it is not feasible to plant street trees in the planting strip, then they shall be provided in the required 5-foot deep landscaped area along street ((property)) lot lines.

B. Treatment of blank facades.

1. Blank facade ~~((requirements))~~ limits ~~((shall))~~ apply to the area of the facade between 2 and 8 feet above the sidewalk.

a. Any portion of a facade that is not transparent shall be considered to be a blank facade. Clear or lightly tinted glass in windows, doors and display windows shall be considered transparent. Transparent areas shall allow views into the structure or into display windows from the outside.

b. Portions of a facade of a structure ~~((which))~~ that are separated by transparent areas of at least 2 feet in width shall be considered separate facade segments for the purposes of this subsection.

c. Except as provided for in subsection 23.50.038.A.3.e, ((B)) blank segments of facades ~~((which))~~ that are 60 feet wide and greater, and within 20 feet of the street ~~((front))~~ lot line shall ~~((provide))~~ be screened by one of the following:

1) A hedge ~~((which would))~~ that will achieve a height of at least 5 feet within 3 years of planting and a height of at least 10 feet at full maturity; or

2) Trellises and vining plants attached to the wall up to a minimum height of 10 feet; or

3) A landscaped area meeting the provisions of ~~((S))~~ subsection 23.50.034.C, landscaped areas or berms.

d. The following limits on blank façade segments apply to lots in the IC 65-160 and IC 85-160 zones, except that for lots in the IC 65-160 zone located within the

Stadium Transition Area Overlay District designated in Chapter 23.74, the provisions only apply to development that elects to add floor area above the base FAR limit:

1) For facades facing streets that bound the Downtown Urban Center or streets shown on Map A for Section 23.50.016, Industrial Streets Landscaping Plan, blank facade segments shall not exceed 15 feet in width, except that:

a) the width of a blank façade segment that includes a garage door may exceed 15 feet but is limited to the width of the driveway plus 5 feet; and

b) the width of a blank facade segment may be increased to up to 30 feet if the Director determines, as a Type I decision, that the facade is sufficiently enhanced by architectural detailing, artwork, landscaping, or similar features that have visual interest.

2) For all other street-level street-facing facades, if the street level is occupied by uses other than parking, blank facade segments are limited to a width of 30 feet, except that:

a) the width of a blank façade segment that includes a garage door may exceed 30 feet but is limited to the width of the driveway plus 5 feet; and

b) the width of a blank façade segment may be increased to up to 60 feet if the Director determines, as a Type I decision, that the facade is sufficiently enhanced by architectural detailing, artwork, landscaping, or similar features that have visual interest.

3) If the street level of the street-facing façade is occupied by parking, the provisions of subsection 23.50.038.B.6 apply.

1            ~~((C))~~B. Additional Screening and Landscaping Requirements for Specific Uses.

2                    1. Surface Parking Areas for More Than Five ~~((5))~~ Vehicles.

3                            a. When a surface parking area abuts a lot in an NC1, NC2, NC3 or C1  
4 zone, view-obscuring screening along the abutting lot lines shall be provided.

5                            b. When a surface parking area is across an alley from a lot in a  
6 residential zone, view obscuring screening shall be required. A ~~((five-foot (5')))~~ 5 foot deep  
7 landscaped area shall be required inside the screening. The Director may reduce or waive the  
8 screening and landscaping requirement for all or a part of the lot abutting the alley, or may waive  
9 only the landscaping requirement, when required parking can only be provided at the rear lot line  
10 and the alley is necessary to provide aisle space. In making the determination to waive or reduce  
11 the landscaping and screening requirements, the Director shall consider the following criteria:  
12

13    ~~((f))~~ 1) Whether the lot width and depth permits a workable plan  
14 for the building and parking which would preserve the screening and landscaping; and  
15

16    ~~((f))~~ 2) Whether the character of use across the alley, such as  
17 multi-family parking structures or single-family garages, make the screening and landscaping  
18 less necessary; and  
19

20    ~~((f))~~ 3) Whether a topographic break between the alley and the  
21 residential zone makes screening less necessary.

22                            c. When a surface parking area or off-street loading area is directly  
23 across a street ~~((right-of-way eighty feet (80')))~~ 80 feet or less in width from a lot in a residential  
24 zone, a ~~((five-foot (5')))~~ 5 foot deep landscaped setback area from the street lot line, including  
25

street trees, shall be provided. Three-foot (~~((3'))~~) high screening along the edge of the setback, with the landscaping on the street side of the screening, shall be provided.

d. When a surface parking area or off-street loading area abuts a lot in a residential zone, view-obscuring screening and a (~~((five foot (5'))~~) 5 foot deep landscaped setback area on the inside of the screening shall be provided.

e. Surface parking areas for ten (~~((10))~~) or fewer cars shall be screened by (~~((three foot (3'))~~) 3 foot high screening along the street lot line.

f. Surface parking areas for more than ten (~~((10))~~) cars shall be screened by (~~((three foot (3'))~~) 3 foot high screening and street trees along the street lot lines.

g. Surface parking areas for more than (~~((fifty (50))~~) 50 cars shall provide (~~((three foot (3'))~~) 3 foot high screening and street trees along the street lot lines, as well as interior landscaping.

## 2. Parking Structures.

a. If (~~((When))~~) a parking structure is directly across a street (~~((right-of-way eighty feet (80'))~~) 80 feet or less in width from a lot in a residential zone, a (~~((five foot (5'))~~) 5 foot deep landscaped setback area from the street lot line, including street trees, shall be provided. The street-facing facade of each floor of parking shall have an opaque screen at least (~~((three and one half feet ((3 1/2'))~~) 3.5 feet high.

b. If (~~((When))~~) a parking structure abuts a lot in a residential zone, a (~~((five foot (5'))~~) 5 foot deep landscaped setback area from the lot line shall be provided unless the parking structure is completely enclosed except for driveway areas. In addition to the landscaped setback, view-obscuring screening shall be provided along abutting (~~((property))~~) lot line(s). When

the parking structure is enclosed by a solid wall, any setback area provided within ~~((five feet (5'))~~) 5 feet of the abutting lot lines shall be landscaped. The abutting facade of each floor of parking not enclosed by a solid wall shall have an opaque screen at least ~~((three and one half feet (3 1/2'))~~) 3.5 feet high.

c. If ~~((When))~~ a parking structure is across an alley from a lot in a residential zone, a ~~((five foot (5'))~~) 5 foot deep landscaped setback area from the alley lot line shall be provided, unless the parking structure is completely enclosed, except for driveway areas. Three-foot ~~((3'))~~ high screening along the facade facing the alley with the landscaping on the alley side of the screening shall be provided. When the parking structure is enclosed by a solid wall, any setback area provided within ~~((five feet (5'))~~) 5 feet of the alley lot line shall be landscaped. The abutting or alley facade of each floor of parking shall have an opaque screen at least ~~((three and one half feet (3 1/2'))~~) 3.5 feet high.

d. If ~~((When))~~ a parking structure is directly across a street ~~((right-of-way))~~ wider than ~~((eighty feet (80'))~~) 80 feet ~~((in width))~~ from a lot in a residential zone, street trees shall be provided.

e. If ~~((When))~~ a parking structure is directly across a street ~~((right-of-way~~) ~~((eighty feet (80'))~~) 80 feet or less in width from a lot in a commercial zone, street trees shall be provided.

### 3. Outdoor Sales and Outdoor Display of Rental Equipment.

a. If ~~((When))~~ an outdoor sales area or outdoor display of rental equipment is across an alley from a lot in a residential zone, or abutting a lot in a residential or

commercial zone, view-obscuring screening shall be provided along the abutting or alley lot lines.

b. ~~If ((When))~~ an outdoor sales area or outdoor display of rental equipment is directly across the street from a lot in a residential or commercial zone, street trees and ~~((three))~~ 3 foot ((3')) high screening along the street front shall be provided.

#### 4. Drive-in Businesses Including Gas Stations.

a. Drive-in businesses across an alley from a lot in a residential zone shall provide view-obscuring screening along the alley lot lines.

b. Drive-in businesses in which the drive-in portion of the business is directly across a street ~~((right of way eighty feet (80')))~~ 80 feet or less in width from a lot in a residential zone shall provide 3 foot ((3')) high screening for the drive-in portion and street trees.

c. ~~If ((When))~~ a drive-in business is directly across a street ~~((right of way))~~ wider than ~~((eighty feet (80')))~~ 80 feet ~~((in width))~~ from a lot in a residential zone, street trees shall be provided.

d. Drive-in businesses abutting a lot in a residential zone shall provide view-obscuring screening and a ~~((five foot (5')))~~ 5 foot deep landscaped setback area inside the screening.

#### 5. Outdoor Storage and Outdoor Loading Berths.

a. Outdoor storage and outdoor loading berths directly across a street ~~((right of way eighty feet (80')))~~ 80 feet or less in width from a lot in an NC1, NC2, NC3 or C1 zone shall provide view-obscuring screening along the street lot lines and street trees.



b. ~~If~~ ~~((When))~~ the outdoor storage or outdoor loading berth is directly across a street ~~((right-of-way eighty feet (80')))~~ 80 feet or less in width from a lot in a residential zone, view-obscuring screening shall be provided. A ~~((five))~~ 5 foot ~~((5'))~~ deep landscaped area including street trees shall be provided between the lot line and the view-obscuring screening.

c. ~~If~~ ~~((When))~~ outdoor storage or an outdoor loading berth is directly across a street ~~((right-of-way))~~ wider than ~~((eighty feet (80')))~~ 80 feet ~~((in width))~~ from a lot in a residential zone, view-obscuring screening and street trees shall be provided.

d. ~~If~~ ~~((When))~~ outdoor storage or an outdoor loading berth is across an alley from a lot in a residential zone, view-obscuring screening shall be provided. A ~~((five-foot (5')))~~ 5 foot deep landscaped area shall be provided between the lot line and the view-obscuring screening, except when the industrial lot is at least ~~((fifteen-foot (15')))~~ 15 feet above the elevation of the residential lot or when the screen is a solid wall.

e. ~~If~~ ~~((When))~~ the outdoor storage or outdoor loading berth abuts a lot in a residential zone, view-obscuring screening and a ~~((fifteen-foot (15')))~~ 15 foot deep landscaped area inside the screening shall be provided along the abutting lot line.

6. Screening and location of parking in IC 65-160 and IC 85-160 zones. The following provisions apply to development on lots in IC 85-160 and IC 65-160 zones, except that in IC 65-160 zones located within the Stadium Transition Area Overlay District designated in Chapter 23.74, the provisions apply only to development electing to add floor area above the base FAR. Development not exceeding the base FAR is subject to the provisions of Chapter 23.74.

1                   a. All parking permitted on the lot shall be provided below grade or  
2 enclosed within a structure.

3                   b. Parking at street level.

4                               1) Parking is not permitted at street level within a structure along a  
5 lot line abutting a street bounding the Downtown Urban Center or a street shown on Map A for  
6 23.50.016, Industrial Streets Landscaping Plan, unless separated from the street by other uses,  
7 except that garage and loading doors and access to parking need not be separated.

8                               2) Parking is permitted at street level within a structure along a  
9 street lot line abutting a street not specified in subsection 23.50.038.B.6.b.1 subject to the  
10 following requirements:

11                                       a) Any parking not separated from the street lot line by  
12 another use is screened from view at the street level, except that garage and loading doors and  
13 access to parking need not be screened.

14                                       b) The facade facing the street lot line is enhanced by  
15 architectural detailing, artwork, landscaping, or similar visual interest features.

16                               3) For facades facing a separation area required between structures  
17 in the IC 65-160 zone pursuant to subsection 23.50.054.A.3, the following limits on parking at  
18 street level apply:

19                                       a) Parking is permitted up to a maximum of 70 percent of  
20 the length of the façade facing a required separation area. Any additional parking must be  
21 separated from the separation area by another use.

b) The portion of the parking, excluding garage doors, that is not separated by other uses from the required separation area must be screened from view at ground level. The screening must be enhanced by architectural detailing, artwork, landscaping, or other similar features to provide visual interest.

c. Parking above street level. Parking is not permitted above street level unless it is separated from abutting street lot lines by another use, except that for structures located on a lot that is less than 150 feet in depth, as measured from the lot line with the greatest street frontage, parking is permitted above the first story under the following conditions:

1) One story of parking shall be permitted above the first story of a structure for each story of parking provided below grade that is of at least equivalent capacity, up to a maximum of two stories of parking above the first story.

2) Above the first story of a structure, parking is permitted up to a maximum of 70 percent of the length of each street facing façade. Any additional parking must be separated from the street by another use. For structures located on corner lots, separation by another use shall be provided at the corner portion(s) of the structure for a minimum of 15 percent of the length of the street-facing façade.

3) For all parking located on stories above street level that is not separated from the street by another use, the parking shall be screened from view at street level, and, through the use of materials, fenestration, or other architectural treatment, the screening shall be designed to provide visual interest and to integrate the screened portions of the building façade with the overall design of the structure's street facing facades.

1                                   4) The Director may permit, as a Type I decision, exceptions to  
2 subsection 23.50.038.B.6.c to permit more parking above street level than otherwise allowed, if  
3 the Director finds that locating permitted parking below grade is infeasible due to physical site  
4 conditions such as a high water table, contaminated soil conditions, or proximity to a tunnel. In  
5 such cases, the Director shall determine the maximum feasible amount of parking that can be  
6 provided below grade, if any, and the amount of additional parking to be permitted above street  
7 level.

8  
9                   Section 54. A new Section 23.50.039 of the Seattle Municipal Code is added, as  
10 follows:

11 **23.50.039 Street-level use requirements in IC 65-160 and IC 85-160 zones**

12                   A. On lots abutting streets that bound the Downtown Urban Center or that abut Sixth  
13 Avenue South between Airport Way South and South Royal Brougham Way, at the street level  
14 of facades facing these streets, only the following uses are permitted:  
15

- 16                                   1. General sales and service uses;  
17                                   2. Eating and drinking establishments;  
18                                   3. Entertainment uses;  
19                                   4. Child care facilities;  
20                                   5. Public libraries;  
21                                   6. Public parks; and  
22                                   7. Religious facilities.  
23

24                   B. Required street-level uses shall meet the following standards:  
25  
26  
27  
28

1                   1. On streets requiring street-level uses, a minimum of 75 percent of each street-  
2 facing façade shall be occupied by uses listed in subsection 23.50.039.A. The remaining portion  
3 of the street level of the street-facing facade may contain other permitted uses and/or pedestrian  
4 or vehicular entrances.

5                   2. Required street-level uses shall be located in a space with a minimum floor to  
6 floor height of 13 feet and a minimum depth of 15 feet measured from the street-facing facade.

7                   3. Required street level uses shall be located within 10 feet of the street lot line.

8                   4. Except for child care facilities, pedestrian access to required street-level uses  
9 shall be provided directly from the street or other open area with access to a street. Pedestrian  
10 entrances shall be located no more than 3 feet above or below sidewalk grade or at the same  
11 elevation as any abutting open area.  
12

13                   Section 55. Section 23.50.053 of the Seattle Municipal Code, which section was enacted  
14 by Ordinance [123046](#), is amended as follows:  
15

16 **23.50.053 Transfer of development rights within the South Lake Union Urban Center and**  
17 **within IC 65-160 and IC 85-160 zones((=))**

18                   A. General Standards for the transfer of development rights to lots in the South Lake  
19 Union Urban Center.  
20

21                   1. In order to achieve a portion of the floor area above ~~((five(5)))~~ five FAR that  
22 may be allowed in an IC zone within the South Lake Union Urban Center pursuant to Section  
23 23.50.051, an applicant may use transferable development rights to the extent permitted in Table  
24 A for 23.50.053((A)), subject to the limits and conditions in this chapter:  
25

26 ~~((Table 23.50.053A))~~

**Table A for 23.50.053**

<b>Zones</b>	<b>Types of TDR</b>			
	<b>Within-block TDR</b>	<b>Landmark TDR</b>	<b>Arts Facility TDR</b>	<b>Housing TDR</b>
IC	S, R	S, R	S, R	S, R
SM with a mapped height limit lower than 85((-)) <u>feet</u>	X	X	X	X
SM/R	X	X	X	X
SM/85	S	S	S	S
SM/125	S	S	S	S
<u>Key for Table A for 23.50.053</u> S = Eligible sending lot, if in the South Lake Union Urban Center. R = Eligible receiving lot, if in the area eligible for added floor area under Section 23.50.051. X = Not permitted.				

2. TDR may be transferred as within-block TDR only from a lot to another lot on the same block that is eligible for added floor area under Section 23.50.051, to the extent permitted in Table A for 23.50.053((A)), subject to limits and conditions in this chapter.

3. The eligibility of a lot in the South Lake Union Urban Center to be either a sending or receiving lot is regulated by Table A for 23.50.053((A)).

4. TDR eligible to be transferred from a major performing arts facility under ~~((S))~~subsection 23.49.014\_G, may be transferred from a Downtown zone to a lot eligible as a receiving site for arts facility TDR under Table A for 23.50.053((A)). No other TDR from a Downtown zone may be used in the South Lake Union Urban Center under this section.

5. Except as expressly permitted pursuant to this chapter, development rights or potential floor area may not be transferred from one lot to another.

6. No permit after the first building permit, and in any event, no permit for any construction activity other than excavation and shoring or for occupancy of existing floor area by any use based upon TDR, will be issued for development that includes TDR until the applicant's possession of TDR is demonstrated to the satisfaction of the Director.

7. For purposes of this ~~((S))~~ subsection 23.50.053.A.7, the base FAR of any lot is the total maximum FAR allowable for chargeable floor area pursuant to the provisions of this Chapter, excluding Section 23.50.051, or pursuant to Chapter 23.48, as applicable to the sending lot, in each case not including any additional FAR that may be permitted pursuant to any exception, departure or waiver.

8. The Director may promulgate rules to implement this section.

B. Standards for Sending Lots in the South Lake Union Urban Center.

1. The provisions of this subsection 23.50.053.B apply to sending lots in the South Lake Union Urban Center.

a. The maximum amount of floor area that may be transferred from a sending lot in the South Lake Union Urban Center is the amount by which the product of the eligible lot area times the base FAR of the sending lot exceeds the sum of any chargeable floor area on the lot plus any TDR previously transferred from the sending lot.

b. For purposes of this subsection 23.50.053.B.1, the eligible lot area is the total area of the sending lot, reduced by the excess, if any, of the total of accessory surface parking over one-quarter (~~((1/4))~~) of the total area of the footprints of all structures on the sending lot.

2. When TDR are transferred from a sending lot in a zone with a FAR limit that applies to nonresidential uses, the amount of chargeable floor area that may then be built on the sending lot shall be equal to the area of the lot multiplied by the base FAR, minus the total of:

a. The chargeable floor area on the lot; plus

b. The amount of chargeable floor area transferred from the lot.

3. Chargeable floor area allowed above the base FAR under any provisions of this title, or allowed under any exceptions or waivers of development standards, may not be transferred. TDR may be transferred from a lot that contains chargeable floor area exceeding the base FAR only to the extent, if any, that:

a. TDR were previously transferred to such lot in compliance with the Land Use Code provisions and applicable rules then in effect;

b. Those TDR, together with the base FAR set forth in ~~((S))~~ subsection 23.48.016.B or in Section 23.50.028, exceed the chargeable floor area on the lot and any additional chargeable floor area for which any permit has been issued or for which any permit application is pending; and

c. The excess amount of TDR previously transferred to such lot would have been eligible for transfer from the original sending lot under the provisions of this section at the time of their original transfer from that lot.

~~((6-))~~ 4. Landmark structures on sending lots from which Landmark TDR are transferred shall be restored and maintained as required by the Landmarks Preservation Board.

~~((7-))~~ 5. Housing on lots from which housing TDR are transferred shall be rehabilitated to the extent required to provide decent, sanitary and habitable conditions, in



1 compliance with applicable codes, and so as to have an estimated minimum useful life of at  
2 least ~~((fifty (50)))~~ 50 years from the time of the TDR transfer, as approved by the Director of  
3 Housing. If housing TDR are proposed to be transferred prior to the completion of work  
4 necessary to satisfy this subsection 23.50.053.B.((7))5, the Director ~~((of the Office))~~ of Housing  
5 may require, as a condition to such transfer, that security be deposited with the City to ensure the  
6 completion of such work.

7  
8 ~~((8.))~~ 6. The housing units on a lot from which housing TDR are transferred, and  
9 that are committed to low-income housing as a condition to eligibility of the lot as a TDR  
10 sending site, shall be generally comparable in their average size and quality of construction to  
11 other housing units in the same structure, in the judgment of the ~~((Housing))~~ Director of  
12 Housing, after completion of any rehabilitation or construction undertaken in order to qualify as  
13 a TDR sending lot.

14  
15 ~~((9.))~~ 7. Structures on an arts facility TDR site shall be built or rehabilitated to the  
16 extent required to be in compliance with applicable codes, and so as to have an estimated  
17 minimum useful life of at least ~~((fifty (50)))~~ 50 years from the time of the TDR transfer.

18 C. General Standards for the transfer of development rights to lots in IC 65-160 and IC  
19 85-160 zones.

20  
21 1. To achieve extra nonresidential floor area above the base FAR that may be  
22 allowed in IC 65-160 or IC 85-160 zones pursuant to subsection 23.50.028.D, an applicant may  
23 use transferable development rights to the extent permitted under this subsection 23.50.053.C.

24 2. South Downtown Historic TDR, open space TDR from zones within South  
25 Downtown, and housing TDR eligible to be transferred from a lot under the provisions of  
26

Section 23.49.014 may be transferred from a Downtown zone to a lot eligible as a receiving site in an IC 65-160 or IC 85-160 zone. No other TDR may be used in IC 65-160 or IC 85-160 zones under this section.

3. Except as expressly permitted pursuant to subsection 23.50.053.C, development rights or potential floor area may not be transferred to a lot in an IC 65-160 or IC 85-160 zone.

4. No permit after the first building permit, and in any event, no permit for any construction activity other than excavation and shoring or for occupancy of existing floor area by any use based upon TDR, will be issued for development that includes TDR until the applicant's possession of TDR is demonstrated to the satisfaction of the Director.

D. Limit on within-block TDR. Any receiving lot may use TDR from sending lots that are eligible to send TDR solely because they are on the same block as the receiving lot for a maximum of ~~((fifteen (15)))~~ 15 percent of all floor area gained through bonus and TDR on the receiving lot.

~~((D))~~E. Transfer of Development Rights Deeds and Agreements. The provisions of this subsection 23.50.053.E apply to sending lots in IC zones, and to the use of TDR on receiving lots in IC zones, regardless of whether the TDR are from a sending lot in an IC zone. If TDR from other zones are used on a receiving lot in an IC zone, then the provisions applicable to sending lots in the chapter(s) of this title for the zone(s) in which the sending lots are located apply.

1. The fee owners of the sending lot shall execute a deed, and shall obtain the release of the TDR from all liens of record and the written consent of all holders of encumbrances on the sending lot other than easements and restrictions, unless such release or consent is waived by the Director for good cause. The deed shall be recorded in the King County

1 real property records. When TDR are conveyed to the owner of a receiving lot described in the  
2 deed, then unless otherwise expressly stated in the deed or any subsequent instrument conveying  
3 such lot or the TDR, the TDR shall pass with the receiving lot whether or not a structure using  
4 such TDR shall have been permitted or built prior to any conveyance of the receiving lot. Any  
5 subsequent conveyance of TDR previously conveyed to a receiving lot shall require the written  
6 consent of all parties holding any interest in or lien on the receiving lot from which the  
7 conveyance is made. If the TDR are transferred other than directly from the sending lot to the  
8 receiving lot using the TDR, then after the initial transfer, all subsequent transfers also shall be  
9 by deed, duly executed, acknowledged and recorded, each referring by King County recording  
10 number to the prior deed.  
11

12           2. Any person may purchase any TDR that are eligible for transfer by complying  
13 with the applicable provisions of this section, whether or not the purchaser is then an applicant  
14 for a permit to develop real property. Any purchaser of such TDR (including any successor or  
15 assignee) may use such TDR to obtain floor area above the applicable base on a receiving lot to  
16 the extent such use of TDR is permitted under the Land Use Code provisions in effect on the date  
17 of vesting, under applicable law, of such person's rights with respect to the issuance of permits  
18 for development of the project intended to use such TDR. The Director may require, as a  
19 condition of processing any permit application using TDR or for the release of any security  
20 posted in lieu of a deed for TDR to the receiving lot, that the owner of the receiving lot  
21 demonstrate that the TDR have been validly transferred of record to the receiving lot, and that  
22 such owner has recorded in the real estate records a notice of the filing of such permit  
23 application, stating that such TDR are not available for retransfer.  
24  
25  
26  
27  
28

1                   3. For transfers of Landmark TDR, the owner of the sending lot shall execute  
2 and record an agreement in form and content acceptable to the Landmarks Preservation Board  
3 providing for the restoration and maintenance of the historically significant features of the  
4 structure or structures on the lot.

5                   4. For transfers of arts facility TDR from an arts facility TDR site, the owner of  
6 the sending lot shall execute and record an agreement in form and content acceptable to the  
7 Director of the Office of Arts and Cultural Affairs providing for the construction, improvement  
8 and/or maintenance of structure(s) on the lot and the use of the arts facility sending site for at  
9 least ~~((fifty (50)))~~ 50 years by one or more non-profit organizations dedicated to the creation,  
10 display, performance or screening of art by or for members of the general public. Such  
11 agreements shall commit to improvements, maintenance, limits on occupancy and other  
12 measures to maintain the long-term use of the structure(s) for artistic activities consistent with  
13 the definition of arts facility TDR site and acceptable to the Director of the Office of Arts and  
14 Cultural Affairs.  
15

16                   5. For transfers of housing TDR, the owner of the sending lot shall execute and  
17 record an agreement, with the written consent of all holders of encumbrances on the sending lot,  
18 unless such consent is waived by the Director of the Office of Housing for good cause, to  
19 provide for the maintenance of the required housing on the sending lot for a minimum of ~~((fifty~~  
20 ~~(50)))~~ 50 years. Such agreement shall commit to limits on rent and occupancy consistent with the  
21 definition of housing TDR site and acceptable to the Director of the Office of Housing.  
22

23                   6. A deed conveying TDR may require or permit the return of the TDR to the  
24 sending lot under specified conditions, but notwithstanding any such provisions:  
25  
26

1                   a. The transfer of TDR to a receiving lot shall remain effective so long as  
2 any portion of any structure for which a permit was issued based upon such transfer remains on  
3 the receiving lot; and

4                   b. The City shall not be required to recognize any return of TDR unless it  
5 is demonstrated that all parties in the chain of title have executed, acknowledged and recorded  
6 instruments conveying any interest in the TDR back to the sending lot and any lien holders have  
7 released any liens thereon.  
8

9                   7. Any agreement governing the use or development of the sending lot shall  
10 provide that its covenants or conditions shall run with the land and shall be specifically  
11 enforceable by The City of Seattle.  
12

13                   ~~((E))~~F. Time of Determination of TDR Eligible for Transfer. The eligibility of a sending  
14 lot to transfer TDR, and the amount transferable from a sending lot, shall be determined as of the  
15 date of transfer from the sending lot and shall not be affected by the date of any application,  
16 permit decision or other action for any project seeking to use such TDR.

17                   ~~((F))~~G. Use of Previously Transferred TDR by New Projects. Any project using TDR  
18 according to applicable limits on TDR in Sections 23.50.051 and 23.50.053 may use TDR that  
19 were transferred from the sending lot consistent with the provisions of this title in effect at the  
20 time of such transfer.  
21

22                   H. Rules. The Director may promulgate rules to implement this section.

23                   Section 56. A new Section 23.50.054 of the Seattle Municipal Code is added, as follows:

24 **23.50.054 Street-facing façade requirements, structure width and separation, and upper**  
25 **level development standards in the IC 65-160 zone**  
26

1 The following development standards apply to all development in the IC 65-160 zone,  
2 except that in the IC zone within the Stadium Transition Area Overlay District, established in  
3 Chapter 23.74, these standards only apply to development electing to add floor area above the  
4 base FAR. Development not exceeding the base FAR is subject to the provisions of Chapter  
5 23.74.

6 A. Street-facing façade requirements. For purposes of this Section 23.50.054, balcony  
7 railings and other non-structural features or non-structural walls are not considered parts of the  
8 facade.  
9

10 1. Minimum Façade Height. A minimum façade height of 50 feet is required for  
11 all street-facing facades, unless all portions of a structure are lower than 50 feet in height.

12 2. Façade Setback Limits. The following standards apply to all street-facing  
13 facades within the first 50 feet of height measured from sidewalk grade:  
14

15 a. All street-facing facades shall set back no more than 2 feet from the  
16 street lot line along a minimum of 75 percent of the width of the structure measured parallel to  
17 the abutting street. If the presence of a utility easement or other condition requires the street-  
18 facing façade to be set back more than 2 feet from the street lot line, the Director may, as a Type  
19 1 decision, select another line for determining the allowed setback. If the sidewalk is widened  
20 into the lot and the width of the widened sidewalk is 18 feet or less, the setback shall be  
21 measured from the new edge of the sidewalk within the lot rather than the street lot line.  
22

23 b. The maximum setback of any portion of the street-facing facade from  
24 the street lot line is 10 feet, except as permitted by 23.50.054.A.2.c.  
25  
26  
27  
28

1 c. For the street-facing façade of a portion of a structure that is more than  
2 15 feet in height, setback limits do not apply to the street-level portion of the façade to allow  
3 setbacks for building entrances, display windows, street level arcades and similar features  
4 providing access from the sidewalk.

5 d. Parking is prohibited between the facade and the street lot line.

6 e. Any area provided as required separation between structures pursuant  
7 to subsection 23.50.054.A.3 is not considered part of a setback.  
8

9 3. Maximum structure width and required separation area between structures.

10 For a lot with a street lot line abutting First Avenue South that exceeds 400 feet, the maximum  
11 width of any structure facing First Avenue South is 240 feet. A separation area with a minimum  
12 horizontal dimension of 50 feet, measured parallel to First Avenue South, is required at all levels  
13 above grade between each structure on such a lot and each other structure or separate portion of a  
14 structure on the lot. The Director may, as a Type I decision, allow modifications to the limit on  
15 structure width and the width and location of the required separation area to maximize view  
16 opportunities or better integrate new structures with the adjacent development pattern.  
17

18 a. The required separation area between structures on the lot shall be open  
19 from the ground to the sky, although landscaping shall be allowed, as well as temporary or  
20 permanent seating and tables, artwork, or other features that, as a Type I decision, the Director  
21 may determine make the space more usable to project occupants.  
22

23 b. Any portion of a structure within 15 feet on either side of the required  
24 separation area between structures is limited to a height of 50 feet.  
25  
26  
27

1 c. Driveways providing access to parking are permitted within the  
2 required separation area, but shall be limited in width to a maximum of one lane in each  
3 direction.

4 4. Principal Pedestrian Entrances. A principal pedestrian entrance to a structure  
5 is required on façades facing streets that bound the Downtown Urban Center and streets shown  
6 on Map A for 23.50.016, Industrial Streets Landscaping Plan.

7 5. Facade transparency requirements. Facade transparency requirements apply to  
8 the area of the façade between 2 feet and 8 feet above the sidewalk. Only clear or lightly tinted  
9 glass in windows and doors is considered to be transparent. Transparent areas shall allow views  
10 into the structure or into display windows from the outside.

11 a. For facades facing a street bounding the Downtown Urban Center or a  
12 street shown on Map A for 23.50.016, Industrial Streets Landscaping Plan, a minimum of 60  
13 percent of the street-facing facade shall be transparent.

14 b. For facades facing all other streets and for facades facing the separation  
15 area required between structures pursuant to subsection 23.50.054.A.3, a minimum of 40 percent  
16 of the street-facing facade, or of the portion of the façade facing the separation area, shall be  
17 transparent.

18 B. Upper level development standards

19 1. Facade Modulation.

20 a. For structures exceeding 85 feet in height, modulation is required for  
21 portions of the street-facing façade exceeding 65 feet in height and located within 15 feet of the  
22



street lot line. No modulation is required for portions of a façade set back 15 feet or more from a street lot line.

b. For portions of structures subject to the modulation requirements of this subsection 23.50.054B, the maximum length of a street-facing facade without modulation is prescribed in Table A for 23.50.054. For purposes of this subsection 23.50.054.B, length is measured parallel to each street lot line, and includes projections from the façade, such as balconies.

<b>Table A for 23.50.054</b> <b>Façade Modulation in the IC 65-160 Zone for structures exceeding 85 feet in height</b>	
<b>Height of portion of structure</b>	<b>Maximum length of un-modulated façade when less than 15 feet from street lot line</b>
0 to 65 feet	No limit
Greater than 65 feet	120 feet

c. Where façade modulation is required, portions of the facade must set back a minimum depth of 15 feet from street lot lines for a minimum length of 40 feet.

2. Average floor area limit. For any portion of a structure exceeding 125 feet in height the average gross floor area of all stories above 85 feet in height shall not exceed 20,000 square feet.

Section 57. A new Section 23.50.055 of the Seattle Municipal Code is adopted, as follows:

**23.50.055 Street-facing façade requirements and upper level development standards in the IC 85-160 zone**

The following development standards apply to all lots within an IC 85-160 zone.

1           A. Street-facing facade requirements. For purposes of this Section 23.50.055, balcony  
2 railings and other nonstructural features or nonstructural walls are not considered parts of the  
3 facade of the structure.

4                   1. Minimum Façade Height. A minimum façade height of 50 feet is required on  
5 facades that face streets shown on Map A for 23.50.016, Industrial Streets Landscaping Plan.  
6 The minimum façade height for facades facing other streets is 25 feet. A minimum façade height  
7 does not apply if all portions of a structure are lower than the applicable minimum façade height.  
8

9                   2. Façade setback limits. The total area of street-level setbacks between the street  
10 lot line and the street-facing façade is limited to the area determined by multiplying the  
11 averaging factor by the width of the structure measured parallel to the abutting street.  
12

13                           a. The averaging factor for facades that face streets shown on Map A for  
14 Section 23.50.016, Industrial Streets Landscaping Plan is five.

15                           b. For all other street-facing facades, the averaging factor is ten.

16                           c. The maximum width, measured along the street lot line, of any setback  
17 area exceeding a depth of 15 feet from the street lot line is 80 feet, or 30 percent of the lot  
18 frontage on that street, whichever is less.

19                           d. For all lots subject to façade setback limits, the following conditions  
20 apply:  
21

22                                   1) Parking is prohibited between the facade and the street lot line.

23                                   2) The maximum setback of the facade from street lot lines within  
24 20 feet of an intersection is 10 feet.  
25  
26  
27  
28

1 e. If the presence of a utility easement or other condition requires the  
2 street-facing façade to set back from the street lot line, the Director may, as a Type 1 decision,  
3 select another line to apply the standards of subsection 23.50.055.A.2.b. If sidewalk widening  
4 into the lot is required as mitigation pursuant to subsection 23.50.028.D, the setback area  
5 permitted by the applicable averaging factor shall be calculated by using the new edge of the  
6 sidewalk within the lot rather than the street lot line.  
7

8 3. Principal pedestrian entrances. A principal pedestrian entrance to a structure is  
9 required on façades facing streets that bound the Downtown Urban Center and streets shown on  
10 Map A for 23.50.016, Industrial Streets Landscaping Plan.

11 4. Facade Transparency Requirements. Facade transparency requirements apply  
12 to the area of the façade between 2 feet and 8 feet above the sidewalk. Only clear or lightly tinted  
13 glass in windows, doors, and display windows is considered to be transparent. Transparent areas  
14 shall allow views into the structure or into display windows from the outside.  
15

16 a. For lots abutting a street bounding the Downtown Urban Center or a  
17 street shown on Map A for 23.50.016, Industrial Streets Landscaping Plan, a minimum of 60  
18 percent of a street-facing facade shall be transparent.  
19

20 b. For lots abutting all other streets, a minimum of 40 percent of the  
21 street-facing facade shall be transparent.

22 B. Upper Level Development Standards.

23 1. Facade Modulation.

24 a. For structures exceeding 85 feet in height, modulation is required for  
25 portions of the street-facing facade exceeding 65 feet in height and located within 15 feet of the  
26

street lot line. No modulation is required for portions of a facade set back 15 feet or more from a street lot line.

b. For portions of structures subject to the modulation requirements of subsection 23.50.055B, the maximum length of a street-facing facade without modulation is prescribed in Table A for 23.50.055. For purposes of this subsection 23.50.055.B, length is measured parallel to each street lot line, and includes projections from the façade, such as balconies.

<b>Table A for 23.50.055, Façade Modulation in the IC 85-160 Zone for structures exceeding 85 feet in height</b>	
<b>Height of portion of structure</b>	<b>Maximum length of un-modulated façade when less than 15 feet from street lot line</b>
0 to 65 feet	No limit
Greater than 65 feet up to 125 feet	155 feet
Greater than 125 feet	125 feet

c. Where façade modulation is required, portions of the facade must set back a minimum depth of 15 feet from street lot lines for a minimum length of 60 feet. .

2. Floor area limit. The maximum floor area for any story above 85 feet in height is 25,000 square feet.

3. Minimum separation. At all levels above a height of 85 feet, separate structures on a lot and separate portions of the same structure must be separated at all points by a minimum horizontal distance of 60 feet.

Section 58. Subsection D of Section 23.53.006 of the Seattle Municipal Code, which section was last amended by Ordinance 123104, is amended as follows:

### **23.53.006 Pedestrian access and circulation**

\*\*\*

D. Outside Urban Centers and Urban Villages. Outside of Urban Centers and Urban Villages, sidewalks are required on an existing street in any of the following circumstances, except as provided in subsection 23.53.006.F

1. In any zone with a pedestrian designation, sidewalks are required whenever new lots are created through the platting process including full and short subdivisions and unit lot subdivisions, and whenever development is proposed.

2. On streets designated on ~~((the Industrial Streets Landscaping Maps, Exhibits 23.50.016.A and 23.50.016.B,))~~ Map A for 23.50.016, Industrial Streets Landscaping Plan, sidewalks are required whenever new lots are created through the platting process, including full and short subdivisions and unit lot subdivisions, and whenever development is proposed. Sidewalks are required only for the portion of the lot that abuts the designated street.

3. On arterials, except in IG1 and IG2 zones and on lots in IB zones that are not directly across the street from or abutting a lot in a residential or commercial zone, sidewalks are required whenever new lots are created through the platting process, including full and short subdivisions and unit lot subdivisions, and whenever development is proposed. Sidewalks are required only for the portion of the lot that abuts the arterial.

4. In SF, LDT and L1 zones, sidewalks are required when ten or more lots are created through the platting process, including full and short subdivisions and unit lot subdivisions, and when ten or more dwelling units are developed.

5. Outside of SF, LDT and L1 zones, except in IG1 and IG2 zones and on lots in IB zones that are not directly across the street from or abutting lot in a residential or commercial zone, sidewalks are required when six or more lots are created through the platting process, including full and short subdivisions and unit lot subdivisions, and when six or more dwelling units are developed.

6. In all zones, except IG1 and IG2 zones and on lots in IB zones that are not directly across the street from or abutting lot in a residential or commercial zone, sidewalks are required when the following nonresidential uses are developed:

a. 750 square feet or more of gross floor area of major and minor vehicle repair uses and multipurpose retail sales; and/or

b. 4,000 square feet or more of nonresidential uses not listed in subsection 23.53.006.D.6.a.

7. In all IC 65-160 and IC 85-160 zones on lots exceeding 50,000 square feet for development that elects to add floor area above the base FAR.

\* \* \*

Section 59. Subsection B of Section 23.53.020 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, is amended as follows:

**23.53.020 Improvement requirements for existing streets in industrial zones((:))**

\*\*\*

B. Improvements on Designated Streets in All Industrial Zones. In all industrial zones, except as provided in subsection 23.53.020.E, if a lot abuts a street designated on the Industrial

Streets Landscaping Map((s)), ((Exhibits)) Map A for 23.50.016 ((A and 23.50.016 B)), the following on-site improvements shall be provided:

1. Dedication Requirement. If the street right-of-way is less than the minimum width established in subsection 23.53.020.A.6, dedication of additional right-of-way equal to half the difference between the current right-of-way and the minimum right-of-way width established in subsection 23.53.020.A.6 is required; provided, however, that if right-of-way has been dedicated since 1982, other lots on the block are not required to dedicate more than that amount of right-of-way.

2. Improvement Requirements. A paved roadway with a concrete curb, pedestrian access and circulation as required by Section 23.53.006 and drainage facilities shall be provided in the portion of the street right-of-way abutting the lot, as specified in the Right-of-Way Improvements Manual.

3. Street Trees.

a. Street trees shall be provided along designated street frontages. Street trees shall be provided in the planting strip as specified in City Tree Planting Standards.

b. Exceptions to Street Tree Requirements.

1) Street trees required by subsection 23.53.020.B.3.a may be located on the lot at least 2 feet from the street lot line instead of in the planting strip if:

((i-)) a) Existing trees and/or landscaping on the lot provide improvements substantially equivalent to those required in this Section 23.53.020;

((i-)) b) It is not feasible to plant street trees according to City standards. A 5 foot deep landscaped setback area is required along the street property lines

1 and trees shall be planted there. If an on-site landscaped area is already required, the trees shall  
2 be planted there if they cannot be placed in the planting strip.

3 \* \* \*

4 Section 60. Subsection A of Section 23.58A.002 of the Seattle Municipal Code, which  
5 section was last amended by Ordinance 122882, is amended as follows:

6 **23.58A.002 Scope of chapter; general rules**  
7

8 A. This chapter contains rules for workforce housing and other incentive programs in  
9 areas for which the provisions of the zone specifically refer to this chapter. This chapter does not  
10 apply to Downtown zones, except in South Downtown. The provisions in this chapter specify  
11 conditions under which extra floor area may be allowed, as exceptions to the otherwise  
12 applicable floor area or base height limit, or both, subject to the maximum limits stated in the  
13 provisions of the zone and to all other applicable requirements and approvals. Nothing in this  
14 chapter authorizes allowance of extra floor area, or the construction or use of any structure,  
15 contrary to any other provisions of this title or Title 25. Projects for which extra floor area is  
16 sought may be subject to conditions under other chapters and titles of this Code, including  
17 without limitation conditions imposed pursuant to Chapter 25.05, Environmental Policies and  
18 Procedures.  
19  
20

21 \*\*\*

22 Section 61. Subsection B of Section 23.58A.004 of the Seattle Municipal Code, which  
23 section was last amended by [CB 116674](#), is amended as follows:

24 **23.58A.004 Definitions**  
25

26 \*\*\*  
27  
28



B. Defined Terms – General.

"Affordable housing" means a unit or units of low-income housing provided as a condition to bonus floor area.

"Base FAR" or "Base floor area ratio" means the nonresidential floor area that may be allowed under the provisions of the zone limiting floor area, expressed as a multiple of the lot area, without use of any bonuses, transfer of development capacity, other incentive provisions, or any departures, waivers, variances or special exceptions.

"Base residential floor area" means:

1. For lot in South Downtown in a PSM, IDM, IDR, DMR or DMC zone from which TDP is transferred, six times the lot area; and

2. For all other lots, the amount of residential floor area allowable on ~~((a))~~ the lot under the provisions of the zone that expressly limit floor area, excluding any floor area exempted from the limits, without use of any bonuses, transfer of development capacity, other incentive provisions, or any departures, waivers, variances or special exceptions, and before giving effect to any transfer of residential development potential to another lot.

"Base height limit" means the height limit that would apply under the provisions of the zone based upon the proposed uses in a structure, if the applicant did not qualify for any additional height dependent on the provisions of this chapter, after giving effect to any additional height that is actually allowed for the pitched roof of a structure and any additional height that is or would be allowed under the provisions of the zone because of the slope of the lot, but before giving effect to any allowance for rooftop features or any departure, waiver, variance or special exception.

"Bonus floor area" means bonus residential floor area or bonus nonresidential floor area.

"Bonus nonresidential floor area" means extra nonresidential floor area allowed pursuant to any bonus provisions in subchapter III of this chapter. It does not include extra floor area gained through TDR.

"Bonus residential floor area" means extra residential floor area allowed pursuant to the bonus provisions in subchapter II of this chapter. It includes, without limitation, housing bonus residential floor area. It does not include extra floor area gained through TDP.

"Certificate of occupancy" means the first certificate of occupancy issued by the City for a project, whether temporary or permanent, unless otherwise specified.

"Extra floor area" means extra residential floor area or extra nonresidential floor area.

"Extra residential floor area" means the gross floor area of all residential development allowed in addition to a base height limit or base floor area limit, or both, under the provisions of this chapter or under any other provisions of this title referring to this chapter that allow a bonus or a transfer of development rights or development capacity. It includes, without limitation, gross floor area in residential use in all stories wholly or in part above the base height limit, and all bonus residential floor area. In the IDM 75/85-150 zone, hotel use in a mixed use project may be calculated as extra residential floor area subject to the provisions of subsection 23.49.023.A and subsection 23.49.208.E.

"Extra nonresidential floor area" means the nonresidential floor area of all nonresidential development allowed in addition to base FAR or to a base height limit for nonresidential use, or both, under the provisions of this chapter or under any other provisions of this title referring to this chapter that allow a bonus or a transfer of development rights or development capacity. It

includes, without limitation, gross floor area in nonresidential use in all stories wholly or in part above the base height limit for nonresidential use, and all bonus nonresidential floor area.

"Housing bonus residential floor area" means extra residential floor area allowed on condition that low-income housing be provided, or that a payment in lieu thereof be made, under subchapter II of this chapter.

"Housing and child care bonus nonresidential floor area" means extra nonresidential floor area allowed under subchapter III of this chapter on condition that low-income housing be provided or a payment in lieu of low-income housing be made and that a child care facility be provided or a payment in lieu of a child care facility be made.

"Income-eligible households" means:

1.((=)) In the case of rental housing units, households with incomes no higher than the lower of (a) 80 percent of median income as defined in Section 23.84A.025; or (b) the maximum level permitted for rental housing by RCW 36.70A.540 as in effect when the agreement for the housing to serve as affordable housing is executed.

2. In the case of owner occupancy housing units, households with incomes no higher than the lesser of (a) median income, as defined in Section 23.84A.025, or (b) the maximum level permitted for owner-occupied housing by RCW 36.70A.540 as in effect when the agreement for the housing to serve as affordable housing is executed.

"Landmark TDP" means TDP transferred from, or transferable from, a Landmark TDP site.

"Landmark TDP site" means a lot, in an area where the applicable provisions of the zone permit Landmark TDP to be transferred from a lot, that includes one or more structures

1 designated wholly or in part as a landmark under Chapter 25.12 or its predecessor ordinance,  
2 when the owner of the landmark has executed and recorded an agreement acceptable in form and  
3 content to the Landmarks Preservation Board, providing for the restoration and maintenance of  
4 the historically significant features of the structure, and which lot includes no other structure that  
5 is not accessory to one or more of such structures.

6         "Low-income housing" means housing affordable to and occupied by "income-eligible  
7 households."  
8

9         "Mid-block corridor" means an open space in the Downtown Urban Center east of  
10 Interstate 5 that meets the standards of subsection 23.58A.016.C.4.d.  
11

12         "Net bonus residential floor area" means gross square footage of "housing bonus  
13 residential floor area," multiplied by an efficiency factor of 80 percent.  
14

15         "Open space TDP" means TDP transferred from, or transferable from, a lot based on its  
16 status as an open space TDP site.  
17

18         "Open space TDP site" means a lot, in an area where the provisions of the zone permit  
19 open space TDP to be transferred from a lot, that satisfies the applicable standards for an open  
20 space TDP site in this chapter and the provisions of the zone to the extent that an exception from  
21 those standards has not been granted.  
22

23         "Payment option" means making a payment to the City in lieu of providing low-income  
24 housing, child care, or any amenity or feature, in order to qualify for bonus floor area.  
25  
26  
27  
28

1 "Performance option" means providing or committing to provide a physical facility, or a  
2 portion or feature of a project, such as low-income housing, in order to qualify for bonus floor  
3 area.

4 "Provision of the zone" means a provision of another chapter of this title relating to  
5 allowable floor area or height, or to the allowance of extra floor area or additional height, or  
6 ~~((both))~~ to the transfer of development capacity, for the area in which the lot on which extra floor  
7 area is used or proposed is located or where a lot from which TDR or TDP may be transferred.

8  
9 "Residential hillside terrace" means an open space in the IDR 45/125-240 zone in South  
10 Downtown that satisfies the standards of subsection 23.58A.016.C.4.e. to the extent that an  
11 exception from such standards has not been granted under that section.

12  
13 "TDP" or "transferable development potential" means base residential floor area that may  
14 be transferred from one lot to another pursuant to provisions of the zone that refer to this chapter,  
15 measured in square feet.

16 "TDP, South Downtown Historic" means TDP transferred from, or transferable from, a  
17 lot based on its status as a South Downtown Historic TDP site.

18 "TDP Site, South Downtown Historic" means a lot within the Pioneer Square  
19 Preservation District or the International Special Review District that satisfies the conditions to  
20 be a sending lot for South Downtown Historic TDP under Section 23.58.A.018.

21  
22 Section 62. Section 23.58A.008 of the Seattle Municipal Code, which section was  
23 enacted by Ordinance 122882, is amended as follows:

24 **23.58A.008 Limits on use of incentives((:))**  
25  
26  
27  
28

No extra floor area under this chapter shall be granted to any proposed development that would result in significant alteration to any designated feature of a Landmark structure or any significant alteration to a contributing structure, as defined in Section 23.66.032, unless a Certificate of Approval for the alteration is granted by the Landmarks Preservation Board in the case of a Landmark, or by the Director of Neighborhoods in the case of a contributing structure.

Section 63. Section 23.58A.012 of the Seattle Municipal Code, which section was enacted by Ordinance [CB 116674](#), is amended as follows:

**23.58A.012 Methods to achieve extra residential floor area((;))**

All or a percentage of the extra residential floor area on a lot shall be housing bonus residential floor area pursuant to Section 23.58A.014. Unless otherwise expressly provided in the provisions of the zone:

A. If the maximum height limit for residential use is 85 feet or ~~((less))~~ lower, all extra residential floor area shall be housing bonus residential floor area.

B. If the maximum height limit for residential use is ~~((greater))~~ higher than 85 feet, the applicant shall use housing bonus residential floor area to achieve at least 60 percent of total the extra residential floor area on the lot, and, to the extent permitted under the provisions of the zone or this subchapter, ~~((shall))~~ may use other bonus residential floor area pursuant to Section 23.58A.016 or transfer of residential development potential pursuant to Section 23.58A.018, or both, for the balance of the extra residential floor area.

Section 64. Subsection C of Section 23.58A.016 of the Seattle Municipal Code, which section was enacted by [CB 116674](#), is amended as follows:

**23.58A.016 Extra residential floor area for amenities**

\*\*\*

C. Performance option.

1. General. An applicant electing to use the performance option shall provide the amenity on the same lot as the development using the bonus floor area, except to the extent a combined lot development is expressly permitted by the provisions of the zone. The maximum area of any amenity or combination of amenities provided on a lot eligible for a bonus is established in this subsection 23.58A.016.C and may be further limited by Section 23.58A.012 or the provisions of the zone. Open space amenities must meet the standards of this subsection 23.58A.016.C in order to qualify for bonus residential floor area, except as may be authorized by the Director under subsection 23.58A.016.C.4. An open space amenity may also qualify as a required residential amenity to the extent permitted by the provisions of the zone.

2. Maximum open space amenity for bonus. Unless otherwise specified in the provisions of the zone, the amount of open space amenity for which bonus residential floor area may be allowed shall not exceed the lesser of the amount required to mitigate the impact created by the total bonus residential floor area in the project, or 15,000 square feet. For purposes of this Section 23.58A.016, the amount of open space required to mitigate that impact is 0.14 square feet of open space amenity per square foot of bonus residential floor area, unless the Director determines, as a Type I decision, that a different ratio applies based on consideration of one or both of the following:

a. the overall number or density of people anticipated to use or occupy the structure(s) in which bonus residential floor area will be located, in relation to the total floor area of the structure(s), is different from the density level of approximately 1.32 persons per 1,000

gross square feet, which was used to establish the ratio in subsection 23.58A.016.C, such that a different amount of open space is needed to mitigate the project impacts;

b. characteristics or features of the project mitigate the impacts that the anticipated population using or occupying the structure(s) in which bonus residential floor area will be located would otherwise have on open space needs.

3. Bonus Ratio. Neighborhood amenities may be used to gain bonus residential floor area according to the following ratios and subject to the limits of this Section 23.58A.016:

a. For a neighborhood open space, 7 square feet of bonus residential floor area per 1 square foot of qualifying neighborhood open space area (7:1).

b. For a green street setback, 5 square feet of bonus residential floor area per 1 square foot of qualifying green street setback area (5:1).

c. For a mid-block corridor, 5 square feet of bonus residential floor area per 1 square foot of qualifying mid-block corridor area (5:1).

d. For a residential hillside terrace, 5 square feet of bonus residential floor area per 1 square foot of qualifying residential hillside terrace area (5:1).

4. Standards for open space amenities. The following standards apply to all open space amenities identified in this subsection 23.58A.016.C.4 except as otherwise specifically stated in this subsection 23.58A.016.C.4 or in the provisions of the zone.

a. Public Access. The open space must be open during daylight hours and accessible to the general public, without charge, for reasonable and predictable hours, for a minimum of ~~((40))~~ ten hours each day of the year, except that access may be limited temporarily as required for public safety and maintenance reasons. Within the open space, property owners,



1 tenants and their agents shall allow members of the public to engage in activities allowed in the  
2 public sidewalk environment, except that those activities that would require a street use permit if  
3 conducted on the sidewalk may be excluded or restricted. Free speech activities such as hand  
4 billing, signature gathering, and holding signs, all without obstructing access to the space, any  
5 building, or other adjacent features, and without unreasonably interfering with the enjoyment of  
6 the space by others, shall be allowed. While engaged in allowed activities, members of the public  
7 may not be asked to leave for any reason other than conduct that unreasonably interferes with the  
8 enjoyment of the space by others unless the space is being closed to the general public consistent  
9 with this subsection 23.58A.016.C. No parking, storage or other use may be established on or  
10 above the surface of the open space except as provided in subsection 23.58A.016.C.4.b.6. Use  
11 by motor vehicles of open space for which bonus residential floor area is granted is not  
12 permitted. The open space shall be identified clearly with the City's public open space logo on a  
13 plaque placed at a visible location at each street entrance providing access to the feature. The  
14 plaque shall indicate, in letters legible to passersby, the nature of the bonus feature, its  
15 availability for general public access, and additional directional information as needed.

16  
17  
18                   b. Standards for Neighborhood Open Space. Neighborhood open space  
19 used to qualify for bonus floor area must satisfy the conditions in this subsection  
20 23.58A.016.C.4.b, unless an exception is granted by the Director as a Type I decision, based on  
21 the Director's determination that, relative to the strict application of the standards, the exception  
22 will result in improved public access and use of the space or a better integration of the space with  
23 surrounding development:  
24  
25  
26  
27  
28

1 1) The open space must be improved in compliance with the  
2 applicable provisions of this Section 23.58A.016. The open space must consist of one  
3 continuous area with a minimum of 3,000 square feet and a minimum horizontal dimension of 10  
4 feet.

5 2) A minimum of 35 percent of the open space must be landscaped  
6 with grass, ground cover, bushes and/or trees.  
7

8 3) Either permanent or movable seating in an amount equivalent to  
9 1 lineal foot for every 200 square feet of open space shall be available for public use during  
10 hours of public access.

11 4) The open space shall be located and configured to maximize  
12 solar exposure to the space, allow easy access from streets or other abutting public spaces,  
13 including access for persons with disabilities, and allow convenient pedestrian circulation  
14 through all portions of the open space. The open space must have a minimum frontage of 30 feet  
15 at grade abutting a sidewalk, and be visible from sidewalks on at least one street.  
16

17 5) The open space shall be provided at ground level, except that in  
18 order to provide level open spaces on steep lots, some separation of multiple levels may be  
19 allowed, provided they are physically and visually connected.  
20

21 6) Up to 20 percent of the open space may be covered by features  
22 accessory to public use of the open space, including: permanent, freestanding structures, such as  
23 retail kiosks, pavilions, or pedestrian shelters; structural overhangs; overhead arcades or other  
24 forms of overhead weather protection; and any other features approved by the Director that  
25 contribute to pedestrian comfort and active use of the space. The following features within the  
26

open space area may count as open space and are not subject to the percentage coverage limit:  
temporary kiosks and pavilions, public art, permanent seating that is not reserved for any  
commercial use, exterior stairs and mechanical assists that provide access to public areas and are  
available for public use, and any similar features approved by the Director. Seating or tables, or  
both, may be provided and reserved for customers of restaurants or other uses abutting the open  
space, but the area reserved for customer seating shall not exceed 15 percent of the open space  
area or 500 square feet, whichever is less.

c. Standards for ~~((g))~~Green ~~((s))~~Street ~~((s))~~Setbacks.

1) Where permitted by the provisions of the zone, bonus residential  
floor area may be gained for green street setbacks by development on lots abutting those street  
segments that are listed or shown as green streets in the provisions of the zone.

2) A green street setback must be provided as a setback from a lot  
line abutting a designated green street. The setback must be continuous for the length of the  
frontage of the lot abutting the green street, and a minimum of 50 percent of the setback area  
eligible for a bonus shall be landscaped. The area of any driveways in the setback area is not  
included in the bonusable area. For area eligible for a bonus, the average setback from the  
abutting green street lot line shall not exceed 10 feet, with a maximum setback of 15 feet. The  
design of the setback area shall allow for public access, such as access to street level uses in  
abutting structures or access to areas for seating. The Director may grant an exception to the  
standards in this subsection 23.58A.016.C.4.c as a Type I decision, based on the Director's  
determination that the exception is consistent with a green street concept plan, if one exists,  
established in accordance with DR 11-2007, or successor rule.

1                                    d. Standards for Mid-block Corridor. Mid-block corridors used to qualify  
2 for bonus floor area must satisfy the conditions in this subsection 23.58A.016.C.4.d unless an  
3 exception is granted by the Director as a Type I decision based on the Director’s determination  
4 that, relative to the strict application of the standards, the exception will result in improved  
5 public access and use of the corridor open space or a better integration of the space with  
6 surrounding development.

7  
8                                    1) The corridor must be located a minimum of 200 feet from the  
9 nearest street that is oriented generally north-south.

10                                   2) Each end of the corridor must be directly accessible from the  
11 sidewalk, including access for persons with disabilities.

12                                   3) The corridor must be improved with a surface and necessary  
13 drainage so as to be suitable for pedestrian use in all seasons.

14                                   4) Where the existing grade is steep the corridor may include  
15 separate multiple levels if they are physically and visually connected and there is access for  
16 persons with disabilities through the entire corridor.

17                                   5) There must be no above-grade structures in the corridor.

18                                   6) At least 65 percent of the corridor must be open to the sky; and  
19 any covered portions of the corridor must have a minimum height of 13 feet between the ground  
20 and any overhead structure.

21                                   7) The average width of the corridor must be at least 25 feet; the  
22 minimum permitted width of the corridor is 15 feet; and the minimum permitted width of any  
23 covered portion of the corridor is 20 feet.

1                                   8) There must be at least one additional open space area on the lot,  
2 meeting the standards of this subsection 23.58A.016.C.4 and abutting the corridor, that has an  
3 area of at least 1,500 square feet and a minimum horizontal dimension of 30 feet.

4                                   9) The corridor must include sufficient lighting to provide visible  
5 and safe passage for pedestrians during all hours when the corridor is available for public use.  
6 The lighting is to be provided and maintained at the applicant's expense.

7                                   e. Standards for Residential Hillside Terrace. A residential hillside  
8 terrace used to qualify for bonus floor area must satisfy the conditions in this subsection  
9 23.58A.016.C.4.e, except that exceptions to may be granted to standards of subsections  
10 23.58A.016.C.4.e.5 through 23.58A.016.C.4.e.8 by the Director as Type I decisions, based on  
11 the Director's determination that the exception will result in improved public access and use of  
12 the open space or a better integration of the space with surrounding development.

13                                   1) The terrace must have at least 120 feet of frontage along a  
14 street, which must be the most steeply sloping street abutting the lot.

15                                   2) The area eligible for a bonus must be one continuous space,  
16 except as allowed in subsection 23.58A.016.C.4.e.3, but may be on several different levels;  
17 landscaping, fountains, seating and art are considered part of the contiguous space.

18                                   3) A driveway area may separate parts of the terrace but is not  
19 included in the area of the terrace.

20                                   4) The minimum depth of the terrace from the street lot line must  
21 be at least 10 feet.

5) The maximum depth from the street lot line of any terrace area eligible for a bonus is 30 feet.

6) At least one residential or retail use principal entrance must be located in every 100 feet of building frontage along the terrace.

7) At least 1 lineal foot of seating shall be provided for every 30 square feet of bonusable area.

8) The entire length of the hillside terrace shall be open to the sky  
except where overhead weather protection is provided along the building facade.

9) All areas of the terrace shall be accessible to persons with  
disabilities.

((d))f. Declaration. When open space is to be provided for purposes of obtaining bonus residential floor area, the owner(s) of the lot using the bonus residential floor area, and of the lot where the open space is provided, if different, shall execute and record a declaration and voluntary agreement in a form acceptable to the Director identifying the features; acknowledging that the right to develop and occupy a portion of the gross floor area on the lot is based upon the long-term provision and maintenance of the open space and that development is restricted in the open space; and committing to provide and maintain the open space.

((e-)) g. Identification. The open space shall be identified clearly with the City's public open space logo on a plaque placed at a visible location at each street entrance providing access to the feature. The plaque shall indicate, in letters legible to passersby, the nature of the bonus feature, its availability for general public access, and additional directional information as needed.

1                               ((f)) h. Duration; Alteration. Except as provided for in this subsection  
2                               (~~23.58A.016.C.4.f)~~ 23.58A.016.C.4.h, the owners of the lot using the bonus residential floor  
3 area and of the lot where the open space amenity is located, if different, including all successors,  
4 shall provide and maintain the open space amenities for which bonus residential floor area is  
5 granted, in accordance with the applicable provisions of this Section 23.58A.016, for as long as  
6 the bonus residential floor area gained by the open space amenities exists. An open space  
7 amenity for which bonus residential floor area has been granted may be altered or removed only  
8 to the extent that either or both of the following occur, and alteration or removal may be further  
9 restricted by the provisions of the zone and by conditions of any applicable permit:  
10

11                               1) The bonus residential floor area permitted in return for the  
12 specific open space amenity is removed or converted to a use for which bonus residential floor  
13 area is not required under the provisions of the zone; or  
14

15                               2) An amount of bonus residential floor area equal to that allowed  
16 for the open space amenity that is to be diminished or discontinued is provided through  
17 alternative means consistent with the provisions of the zone and provisions for allowing bonus  
18 residential floor area in this chapter.  
19

20                               \*\*\*

21                               Section 65. Section 23.58A.018 of the Seattle Municipal Code, which Section was  
22 enacted by Ordinance CB 116674, is amended as follows:

23                               **23.58A.018 Transfer of residential development potential**

24                               A. Scope and Applicability.  
25  
26  
27  
28

1                   1. This Section 23.58A.018 contains rules for transfer of residential development  
2 potential to lots in areas for which other provisions of this title specifically refer to provisions of  
3 this Section 23.58A.018. The provisions of this Section 23.58A.018 are subject to the applicable  
4 provisions of the zone.

5                   2. Whether a lot may be eligible as a TDP sending site is determined by the  
6 provisions of the zone in which the lot is located. To be eligible as a sending lot for a specific  
7 category of TDP defined in this Chapter 23.58A, the lot must satisfy the applicable conditions of  
8 this Section 23.58A.018 except to the extent otherwise expressly stated in the provisions of the  
9 zone. Whether a lot is eligible as a TDP receiving lot, and whether the lot may receive TDP from  
10 another lot, and what categories of TDP the lot may receive, are determined by the provisions of  
11 the zone. The transfer of TDP and use of TDP on any receiving lot is subject to the limits and  
12 conditions in this chapter, the provisions of the zone, and all other applicable provisions of this  
13 title.

14                   B. TDP Required Before Construction. No permit after the first building permit, and in  
15 any event, no permit for any construction activity other than excavation and shoring, and no  
16 permit for occupancy of existing floor area by any use based upon TDP, will be issued for  
17 development that includes TDP until the applicant's possession of TDP is demonstrated to the  
18 satisfaction of the Director.

19                   C. General Standards for Sending Lots.

20                   1. TDP Calculation. The maximum amount of floor area that may be transferred is  
21 the amount by which the base residential floor area of the sending lot exceeds the sum of:  
22

23                   a. any nonexempt residential floor area existing on the sending lot; plus  
24  
25  
26  
27  
28



b. any existing floor area of uses accessory to nonexempt residential uses, except to the extent that floor area is exempt from floor area limits under the provisions of the zone; plus

c. any TDP previously transferred from the sending lot.

2. Floor Area Limit After Transfer. ~~((After))~~ Except as provided in subsection 23.58A.018.C.3, after TDP is transferred from a sending lot the amount of residential floor area that may then be established on the sending lot, other than floor area exempt from limits on residential floor area under the provisions of the zone, shall be equal to the base residential floor area, plus any net amount of TDP previously transferred to that lot, minus the total of (a) the existing residential floor area on the lot, plus (b) the amount of TDP transferred from the lot.

3. Sending Lot in Zone without Base Residential FAR. When TDP are sent from a sending lot in a zone without a base residential FAR limit, the maximum residential floor area that may then be established on the sending lot shall be equal to the excess, if any, of

a. the total residential floor area that could have been built on the sending lot under the base height limit consistent with applicable development standards as determined by the Director had no TDP been transferred, less

b the sum of

1) the existing residential floor area on the lot; plus

2) the amount of TDP that was transferred from the lot.

D. Standards for Landmark TDP sending lots. Landmark structures on sending lots from which Landmark TDP is transferred shall be rehabilitated and maintained as required by the Landmarks Preservation Board.

1 E. Standards for open space TDP sending lots. The following standards apply unless  
2 provisions of the zone state otherwise:

3 1. General conditions. Open space TDP sites must satisfy the conditions of this  
4 subsection 23.58A.018.E.1, unless an exception is granted by the Director:

5 a. Each portion of the open space shall be accessible from each other  
6 portion of the open space without leaving the open space.

7 b. The open space shall have a minimum area of 5,000 square feet.

8 c. The open space shall be directly accessible from the sidewalk or another  
9 public open space, including access for persons with disabilities.

10 d. The open space shall be at ground level, except that in order to provide  
11 level open spaces on steep lots, some separation of multiple levels may be allowed, provided  
12 they are physically and visually connected.

13 e. No more than 20 percent of the lot may be occupied by any above grade  
14 structures.

15 f. The lot shall be located a minimum of 0.25 mile from the closest lot  
16 approved by the Director as a separate open space TDP site, unless the lot is abutting another  
17 TDP site and is designed to integrate with the other TDP site.

18 g. The open space shall be open during daylight hours and accessible to  
19 the general public, without charge, for reasonable and predictable hours, for a minimum of  
20 ((40))ten hours each day of the year, except that access may be limited temporarily as required  
21 for public safety and maintenance reasons. Within the open space, property owners, tenants and  
22 their agents shall allow members of the public to engage in activities allowed in the public  
23  
24  
25  
26  
27  
28

sidewalk environment, except that those activities that would require a street use permit if conducted on the sidewalk may be excluded or restricted. Free speech activities such as hand billing, signature gathering, and holding signs, all without obstructing access to the space, any building, or other adjacent features, and without unreasonably interfering with the enjoyment of the space by others, shall be allowed. While engaged in allowed activities, members of the public may not be asked to leave for any reason other than conduct that unreasonably interferes with the enjoyment of the space by others unless the space is being closed to the general public consistent with this subsection 23.58A.018.E.1.g.

h. The open space shall be identified clearly with the City's public open space logo on a plaque placed at a visible location at each street entrance providing access to the feature. The plaque shall indicate, in letters legible to passersby, the nature of the bonus feature, its availability for general public access, and additional directional information as needed.

i. Unless the open space will be in public ownership, the applicant shall make adequate provision to ensure the permanent maintenance of the open space.

2. Special exception for open space TDP sites. The Director may grant, or grant with conditions, an exception to the standards for open space TDP sites in this subsection 23.58A.018.E and any applicable Director's Rule(s), as a special exception pursuant to Chapter 23.76, Procedures for Master Use Permit and Council Land Use Decisions. In determining whether to grant, grant with conditions, or deny a request for special exception under this subsection, the Director shall consider:

a. the extent to which the exception would result in an open space TDP site that better meets the intent of the provisions of this subsection 23.58A.018.E; and

b. the extent to which the exception would allow the design of the open space to take advantage of unusual site characteristics or conditions in the surrounding area, such as views and relationship to surroundings.

3. After any TDP is transferred from an open space TDP site, lot coverage by structures shall be permanently limited to 20 percent, or any greater amount that was allowed as a special exception prior to the transfer, and no development shall be permitted that would be inconsistent with the standards under which it was approved as an open space TDP sending site.

F. Standards and Limits for TDP Sending Lots in South Downtown. The provisions of this subsection 23.58A.018.F apply to TDP sending lots in South Downtown, in addition to the general provisions in this Section 23.58A.018.

1. Limit on Open Space TDP. The maximum amount of open space TDP that may be transferred from a sending lot is the amount by which three times the lot area exceeds the total gross floor area of all uses on the lot.

2. South Downtown Historic TDP.

a. Only lots in the Pioneer Square Preservation District or the International Special Review District may qualify as sending lots for South Downtown Historic TDP.

b. In order to be eligible to send South Downtown Historic TDP, a lot must contain a structure that includes at least 5,000 gross square feet in above-grade floor area and has been finally determined to be a contributing structure under Section 23.66.032 within no more than three years prior to the recording of the deed conveying the TDP from the sending lot.

1                                c. Contributing structures on a sending lot from which South Downtown  
2 Historic TDP are transferred shall be rehabilitated and maintained in accordance with an  
3 agreement pursuant to subsection 23.58A.018.I.3.

4                                d. The maximum amount of South Downtown Historic TDP that may be  
5 transferred from a lot is the amount by which three times the lot area exceeds any existing  
6 residential floor area.

7                                e. South Downtown Historic TDP shall not be transferred from a lot from  
8 which South Downtown Historic TDR has been transferred or from a lot on which any bonus  
9 floor area has been established based on the presence of a contributing structure.

10                              3. Limit on Combined TDR and TDP. A cumulative combination of TDR and  
11 TDP exceeding a total of six times the lot area may not be transferred from any lot.

12                              G. Time of Determination of TDP Eligible for Transfer. The eligibility of a sending lot to  
13 transfer TDP, and the amount transferable from a sending lot, shall be determined as of the date  
14 of transfer from the sending lot and shall not be affected by the date of any application, permit  
15 decision or other action for any project seeking to use the TDP.

16                              ~~((G))~~H. Reservation in Deed. Any TDP eligible for transfer may instead be reserved in  
17 the conveyance of title to an eligible sending lot, by the express terms of the deed or other  
18 instrument of conveyance reserving a specified amount of TDP, provided that an instrument  
19 acceptable to the Director is recorded binding the lot to the terms and conditions for eligibility to  
20 send TDP under this ~~((section))~~Section 23.58A.018. Any TDP so reserved shall be considered  
21 transferred from that lot and later may be conveyed by deed without participation of the owner of  
22 the lot.

1                   ((H))I. TDP Deeds and Agreements.

2                   1. The fee owners of the sending lot shall execute a deed, and shall obtain the  
3 release of the TDP from all liens of record and the written consent of all holders of  
4 encumbrances on the sending lot other than easements and restrictions, unless the requirement  
5 for a release or consent is waived by the Director for good cause. The deed shall be recorded in  
6 the King County real property records. When TDP is conveyed to the owner of a receiving lot  
7 described in the deed, then unless otherwise expressly stated in the deed or any subsequent  
8 instrument conveying the lot or the TDP, the TDP shall pass with the receiving lot whether or not  
9 a structure using the TDP shall have been permitted or built prior to any conveyance of the  
10 receiving lot. Any subsequent conveyance of TDP previously conveyed to a receiving lot shall  
11 require the written consent of all parties holding any interest in or lien on the receiving lot from  
12 which the conveyance is made. If the TDP is transferred other than directly from the sending lot  
13 to the receiving lot using the TDP, then after the initial transfer, all subsequent transfers also  
14 shall be by deed, duly executed, acknowledged and recorded, each referring by King County  
15 recording number to the prior deed.  
16  
17

18                   2. Any person may purchase any TDP that is eligible for transfer by complying  
19 with the applicable provisions of this Section 23.58A.018, whether or not the purchaser is then  
20 an applicant for a permit to develop real property or is the owner of any potential receiving lot.  
21 Any purchaser of the TDP (including any successor or assignee) may use the TDP to obtain floor  
22 area above the applicable base height limit or base floor area limit on a receiving lot to the extent  
23 that use of TDP is permitted under the Land Use Code provisions applicable with respect to the  
24 issuance of permits for development of the project intended to use the TDP. The Director may  
25  
26  
27  
28

1 require, as a condition of processing any permit application using TDP or for the release of any  
2 security posted in lieu of a deed for TDP to the receiving lot, that the owner of the receiving lot  
3 demonstrate that the TDP has been validly transferred of record to the receiving lot, and that the  
4 owner has recorded in the real estate records a notice of the filing of such permit application,  
5 stating that the TDP is not available for retransfer.  
6

7 3. As a condition to the effective transfer of Landmark TDP or South Downtown  
8 Historic TDP, except from a City-owned sending lot, the fee owner of the sending lot shall  
9 execute and record an agreement running with the land, in form and content acceptable to, and  
10 accepted in writing by, the Director (~~((of the Department))~~) of Neighborhoods, providing for the  
11 rehabilitation and maintenance of the historically significant or other relevant features of the  
12 structure or structures on the lot and acknowledging the restrictions on future development  
13 resulting from the transfer. The Director may require evidence that each holder of a lien has  
14 effectively subordinated the lien to the terms of the agreement, and that any holders of interests  
15 in the property have agreed to its terms. To the extent that a Landmark structure on the sending  
16 lot, or (~~((an historically significant))~~) a contributing structure on a sending lot in a special review  
17 district, the presence of which is a condition to eligibility to transfer TDP under the provisions of  
18 the zone, requires restoration or rehabilitation for the long-term preservation of the structure or  
19 its historically or architecturally significant features, the Director (~~((of the Department))~~) of  
20 Neighborhoods may require, as a condition to acceptance of the necessary agreement, that the  
21 owner of the sending site apply for and obtain a certificate of approval from the Landmarks  
22 Preservation Board, or from the (~~((Department))~~) Director of Neighborhoods (~~((Director))~~) after  
23 review by the Pioneer Square Preservation Board or International Special Review District Board,  
24 as applicable, for the necessary work, or post security satisfactory to the Director of (~~((the~~  
25 ~~Department of))~~) Neighborhoods for the completion of the restoration or rehabilitation, or both.  
26  
27  
28

Section 66. A new Subchapter III is added to Chapter 23.58A, which includes new Sections 23.58A.020, 23.58A.022, 23.58A.023, and 23.58A.024 of the Seattle Municipal Code, hereby enacted, as follows:

***Subchapter III Extra nonresidential floor area***

**23.58A.020 Scope of subchapter**

This subchapter III includes provisions under which applicants may gain extra nonresidential floor area in development for which the applicable provisions of the zone expressly refer to this chapter.

**23.58A.022 Methods to achieve extra nonresidential floor area**

A. All or a percentage of the extra nonresidential floor area on a lot shall be housing and child care bonus nonresidential floor area pursuant to Section 23.58A.024, or housing TDR, or a combination of the foregoing unless otherwise expressly provided in the provisions of the zone.

B. If the maximum height limit for nonresidential use is 85 feet or less, all extra nonresidential floor area shall be housing and child care bonus nonresidential floor area, or housing TDR, or any combination thereof.

C. If the maximum height limit for nonresidential use is greater than 85 feet, the applicant shall use housing and child care bonus nonresidential floor area pursuant to Section 23.58A.024, or housing TDR, or any combination thereof, to achieve at least 75 percent of total extra nonresidential floor area on the lot, and, to the extent permitted under the provisions of the zone and this subchapter, shall use other bonus nonresidential floor area or TDR or both, for the balance of the extra nonresidential floor area.

**23.58A.023 Affordable housing bonus programs: purpose and findings**



1           A. Purpose; Scope of Provisions; State Law Controlling. The provisions of this chapter  
2 related to housing and child care bonus nonresidential floor area, except to the extent they relate  
3 to child care, are intended to implement affordable housing incentive programs authorized by  
4 RCW 36.70A.540, as it may be amended. In case of any irreconcilable conflict between the  
5 terms of this chapter related to the housing bonus and child care bonus nonresidential floor area,  
6 except to the extent they relate to child care, and the authority granted in RCW 36.70A.540, as it  
7 may be amended, the provisions of RCW 36.70A.540, as it may be amended, shall supersede and  
8 control. Unless the context otherwise clearly requires, references to RCW 36.70A.540 in this  
9 subchapter mean that section as in effect on the date as of which the provisions of this title apply  
10 to the application for a use permit for the project using the bonus floor area.  
11

12           B. Findings. Pursuant to the authority of RCW 36.70A.540, the City finds that the higher  
13 income levels specified in the definition of "income-eligible households" in Section 23.58A.004,  
14 rather than those stated in the definition of "low-income households" in RCW 36.70A.540, are  
15 needed to address local housing market conditions throughout the City for purposes of affordable  
16 housing incentive programs implemented through this subchapter.  
17

18 **23.58A.024 Bonus nonresidential floor area for affordable housing and child care**  
19

20           A. Scope; General Rule. This section applies to bonus nonresidential floor area allowed  
21 on lots for which applicable sections of this title expressly refer to this chapter. Bonus  
22 nonresidential floor area may be allowed when the applicant qualifies by using the performance  
23 option, the payment option, or a combination of these options, in accordance with this section  
24 and subject to the provisions of the zone.  
25

26           B. Performance Option.  
27  
28

1. Housing.

a. An applicant using the housing performance option shall provide housing serving income-eligible households in an amount equal to 15.6 percent of gross bonus nonresidential floor area obtained under the performance option pursuant to this section.

b. Applicants may provide low-income housing as part of the project using extra floor area or by providing or contributing to a low-income housing project at another location, subject to the requirements in subsection 23.58A.024.B.1.e and subject to approval of the affordable housing project in writing by the Director of Housing prior to issuance of the first building permit for the development using the bonus nonresidential floor area.

c. The affordable housing shall serve only income-eligible households for a minimum period of 50 years from the later of the date when the agreement between the housing owner and the City, as referenced in subsection 23.58A.024.B.1.e, is recorded, or the date when the affordable housing becomes available for occupancy as determined by the City. For rental housing, rent shall be limited so that housing costs, including rent and basic utilities, shall not exceed 30 percent of the income limit for income-eligible households, all as determined by the Director of Housing, for a minimum period of 50 years. For owner-occupied housing, the initial sale price shall not exceed an amount determined by the Director of Housing to be consistent with affordable housing for an income-eligible household with the average family size expected to occupy the unit based on the number of bedrooms, and the units shall be subject to recorded instruments satisfactory to the Director of Housing providing for sales prices on any resale consistent with affordability on the same basis for at least 50 years. The affordable

housing shall be provided in a range of sizes consistent with RCW 36.70A.540 and shall comply with all requirements of RCW 36.70A.540.

d. If the affordable housing is developed within the project using the bonus floor area:

1) The affordable housing must serve income-eligible households for the minimum time period referred to in this section.

2) The affordable housing shall be completed and ready for occupancy at or before the time when a certificate of occupancy is issued for any chargeable floor area in the project using the bonus nonresidential floor area, and as a condition to any right of the applicant to such a certificate of occupancy.

e. If the affordable housing is not being developed within the project using the bonus nonresidential floor area:

1) Proposals for affordable housing are subject to approval by the Director of Housing. Approval requires a determination by the Director of Housing that the affordable housing will (1) be located within the same neighborhood where the development using the bonus nonresidential floor area is located, except as otherwise provided in subsection 23.58A.024.B.1.e.2; (2) provide a public benefit; and (3) be more affordable than market rents or sale prices, as applicable, for housing in the neighborhood in which the affordable housing is located.

2) If the applicant demonstrates to the satisfaction of the Director of Housing that it is infeasible for the off-site affordable housing to be located within the same neighborhood where the development using the bonus nonresidential floor area is located, then

(1) the Director of Housing may allow the affordable housing to be provided elsewhere within the Seattle city limits, which is deemed the general area of the development using the bonus nonresidential floor area in accordance with RCW 36.70A.540, provided that the affordable housing is within 0.5 mile of a light rail or bus rapid transit station on routes serving the neighborhood where the development using the bonus nonresidential floor area is located, or (2) if the applicant demonstrates that providing the affordable housing in such a location is also infeasible, then the Director of Housing may allow the affordable housing to be provided in the City within 0.25 mile of a bus or streetcar stop.

3) The affordable housing must be committed to serve income-eligible households for the minimum time period referred to in this section pursuant to an agreement between the housing owner and the City.

4) The agreement required by subsection 23.58A.024.B.1.e.3 must be executed and recorded prior to issuance, and as a condition to issuance, of the first building permit for the project using the bonus nonresidential floor area, and in any event before any permit for any construction activity other than excavation and shoring is issued.

5) The applicant shall provide to the City an irrevocable letter of credit, or other sufficient security approved by the Director of Housing, prior to and as a condition of issuance of the first building permit, other than for grading and shoring, for the project using the bonus nonresidential floor area, unless completion of the affordable housing has already been documented to the satisfaction of the Director of Housing and the affordable housing is subject to recorded restrictions satisfactory to the Director of Housing. The letter of credit or other security shall be in an amount equal to the payment option amount calculated

1 according to provisions in subsection 23.58A.024.C, plus an amount equal to interest on such  
2 amount, at the rate equal to the prime rate quoted by Bank of America or its successor at the time  
3 the letter of credit or other security is provided, plus three percent per annum, from the date of  
4 issuance of the first building permit, other than for excavation and shoring, for the project using  
5 the bonus nonresidential floor area. The letter of credit or other security shall be on terms such  
6 that when a certificate of occupancy is issued for the project using the bonus nonresidential floor  
7 area, or on any earlier date 30 days before the letter of credit or other security will expire, if the  
8 required quantity of affordable housing is not completed and ready for occupancy or the  
9 affordable housing is not all subject to a recorded agreement sufficient to satisfy the terms of this  
10 section, the City shall have a right to draw on the letter of credit or other security. If and when  
11 the City becomes entitled to realize on any such security, the Director of Housing shall take  
12 appropriate steps to collect the amount calculated pursuant to the payment option provisions in  
13 subsection 23.58A.024.C (after allowing credit for any affordable housing then provided and  
14 accepted by the Director of Housing) with interest for the period and at the rate determined  
15 pursuant to this subsection, and the amounts realized, net of any costs to the City, shall be used  
16 in the same manner as cash payments for housing made under this section. To the extent the City  
17 receives payment through a letter of credit or other security, the obligation of the applicant to  
18 provide affordable housing will be deemed satisfied and the applicant shall be deemed to have  
19 elected the payment option. The applicant shall not be entitled to any refund based on later  
20 completion of affordable housing.

21  
22 6) If the Director of Housing certifies to the Director that either (1)  
23 the applicant has provided the City with a letter of credit or other sufficient security pursuant to  
24

1 subsection 23.58A.024.B.1.e.5 of this section; or (2) there have been recorded one or more  
2 agreements or instruments satisfactory to the Director of Housing providing for occupancy and  
3 affordability restrictions on affordable housing with the minimum floor area determined under  
4 this section, all affordable housing has been completed, and the affordable housing is on a  
5 different lot from the bonus nonresidential floor area or is in one or more condominium units  
6 separate from the bonus development under condominium documents acceptable to the Director  
7 of Housing, then any failure of the affordable housing to satisfy the requirements of this  
8 subsection 23.58A.024.B.1 shall not affect the right to maintain or occupy the bonus  
9 nonresidential floor area.  
10

11 7) Unless and until the Director of Housing shall certify as set forth  
12 in clause (1) or (2) of subsection 23.58A.024.B.1.e.6, it shall be a continuing permit condition,  
13 whether or not expressly stated, for each project obtaining bonus nonresidential floor area based  
14 on the provision of housing to which this section applies, that the affordable housing shall be  
15 maintained in compliance with the terms of this section and any applicable provisions of the  
16 zone, as documented to the satisfaction of the Director of Housing.  
17

18 f. No subsidies for bonused housing; Exception.

19 1) The Director of Housing may require, as a condition of any  
20 bonus nonresidential floor area under the performance option, that the owner of the lot upon  
21 which the affordable housing is located agree not to seek or accept any subsidies, including  
22 without limitation those items referred to subsection 23.58A.024.B.1.f.2, related to housing,  
23 except for any subsidies that may be allowed by the Director of Housing under that subsection.  
24 The Director may require that such agreement provide for the payment to the City, for deposit in  
25  
26  
27  
28

1 an appropriate subfund or account, of the value of any subsidies received in excess of any  
2 amounts allowed by such agreement.

3 2) In general, and except as may be otherwise required by  
4 applicable federal or state law, no bonus nonresidential floor area may be earned by providing  
5 housing if:

6 a) Any person is receiving or will receive with respect to  
7 the housing any charitable contributions or public subsidies for housing development or  
8 operation, including, but not limited to, tax exempt bond financing, tax credits, federal loans or  
9 grants, City of Seattle housing loans or grants, county housing funds, and State of Washington  
10 housing funds; or  
11

12 b) The housing is or would be, independent of the  
13 requirements for the bonus nonresidential floor area, subject to any restrictions on the income of  
14 occupants, rents or sale prices.  
15

16 3) For the purpose of this subsection 23.58A.024.B.1.f, the  
17 qualification for and use of property tax exemptions pursuant to SMC Chapter 5.73, or any other  
18 program implemented pursuant to RCW Chapter 84.14, does not constitute a subsidy, and any  
19 related conditions regarding incomes, rent or sale prices do not constitute restrictions.  
20

21 4) As an exception to the restriction on subsidies, the Director of  
22 Housing may allow the building or buildings in which the affordable housing is located to be  
23 financed in part with subsidies based on the determination that (1) the total amount of affordable  
24 housing is at least 300 net residential square feet greater than the amount otherwise required  
25 through the performance option under this section; (2) the public benefit of the affordable  
26

housing net of any subsidies, as measured through an economic analysis, exceeds the amount of the payment-in-lieu that would otherwise be paid; and (3) the subsidies being allowed would not be sufficient to leverage private funds for production of the affordable housing, under restrictions as required for the performance option, without additional City subsidy in an amount greater than the payment-in-lieu amount that would otherwise be paid.

g. The Director of Housing is authorized to accept and execute agreements and instruments to implement this section. Issuance of the certificate of occupancy for the project using the bonus nonresidential floor area may be conditioned on such agreements and instruments.

h. The housing owner, in the case of rental housing, shall provide annual reports and pay an annual monitoring fee to the Office of Housing for each affordable housing unit, as specified under Chapter 22.900G. In the case of affordable housing for owner-occupancy, the applicant shall pay an initial monitoring fee to the Office of Housing as specified under Chapter 22.900G, and the recorded resale restrictions shall include a provision requiring payment to the City, on any sale or other transfer of a unit after the initial sale, of a fee in the amount of \$500, to be adjusted in proportion to changes in the consumer price index from 2008 to the year in which the sale or transfer is made, for the review and processing of documents to determine compliance with income and affordability restrictions.

## 2. Child Care.

a. For each square foot of nonresidential bonus floor area allowed under this section, in addition to providing housing or an alternative cash contribution pursuant to subsection 23.58A.024.B.1 or 23.58A.024.C, an applicant using the child care performance



option shall provide fully improved child care facility space sufficient for 0.000127 of a child care slot. The minimum interior space in the child care facility for each child care slot shall comply with all applicable state and local regulations governing the operation of licensed childcare providers. Child care facility space shall be deemed provided only if the applicant causes the space to be newly constructed or newly placed in child care use after the submission of a permit application for the project intended to use the bonus floor area, except as provided in subsection 23.58A.024.B.2.c.6. If any contribution or subsidy in any form is made by any public entity to the acquisition, development, financing or improvement of any child care facility, then any portion of the space in such facility determined by the Director of the Human Services Department to be attributable to such contribution or subsidy shall not be considered as provided by any applicant other than that public entity.

b. Child care space shall be provided on the same lot as the project using the bonus floor area, or on another lot within a distance of 0.25 mile of the development using the bonus nonresidential floor area.

c. Child care space shall be contained in a child care facility satisfying the following standards:

1) The child care facility and accessory exterior space must be approved for licensing by the State of Washington Department of Early Learning and any other applicable state or local governmental agencies responsible for the regulation of licensed child care providers.

2) At least 20 percent of the number of child care slots for which space is provided as a condition of bonus floor area must be reserved for, and affordable to,

families with annual incomes at or below the U.S. Department of Housing and Urban Development Low Income Standard for Section 8 Housing based on family size (or, if such standard shall no longer be published, a standard established by the Human Services Director based generally on 80 percent of the median family income of the Metropolitan Statistical Area, or division thereof, that includes Seattle, adjusted for family size). Child care slots shall be deemed to meet these conditions if they serve, and are limited to, (a) children receiving child care subsidy from the City of Seattle, King County or State Department of Early Learning, and/or (b) children whose families have annual incomes no higher than the above standard who are charged according to a sliding fee scale such that the fees paid by any family do not exceed the amount it would be charged, exclusive of subsidy, if the family were enrolled in the City of Seattle Child Care Assistance Program.

3) Child care space provided to satisfy bonus conditions shall be dedicated to child care use, consistent with the terms of this section, for 20 years. The dedication shall be established by a recorded covenant, running with the land, and enforceable by the City, signed by the owner of the lot where the child care facility is located, or the long-term lessee of the child care space under terms acceptable to the Director of the Human Services Department, and by the owner of the lot where the bonus floor area is used, if different from the lot of the child care facility. The child care facility shall be maintained in operation, with adequate staffing, at least 11 hours per day, five days per week, and 50 weeks per year.

4) Space for which a bonus is or has been allowed under any other section of this title or under former Title 24 shall not be eligible to satisfy the conditions of this section.

5) Unless the applicant is the owner of the child care space and is a duly licensed and experienced child care provider approved by the Director of the Human Services Department, the applicant shall provide to the Director a signed agreement, acceptable to such Director, with a duly licensed child care provider, under which the child care provider agrees to operate the child care facility consistent with the terms of this section and of the recorded covenant, and to provide reports and documentation to the City to demonstrate such compliance.

6) One child care facility may fulfill the conditions for a bonus for more than one project if it includes sufficient space, and provides sufficient slots affordable to limited income families, to satisfy the conditions for each such project without any space or child care slot being counted toward the conditions for more than one project. If the child care facility is located on the same lot as one of the projects using the bonus, then the owner of that lot shall be responsible for maintaining compliance with all the requirements applicable to the child care facility; otherwise responsibility for such requirements shall be allocated by agreement in such manner as the Director of the Human Services Department may approve. If a child care facility developed to qualify for bonus floor area by one applicant includes space exceeding the amount necessary for the bonus floor area used by that applicant, then to the extent that the voluntary agreement accepted by the Director of the Human Services Department from that applicant so provides, such excess space may be deemed provided by the applicant for a later project pursuant to a new voluntary agreement signed by both such applicants and by any other owner of the child care facility, and a modification of the recorded covenant, each in form and substance acceptable to such Director.

1 d. The Director of the Human Services Department shall review the design  
2 and proposed management plan for any child care facility proposed to qualify for bonus floor  
3 area to determine whether it will comply with the terms of this section. The allowance of bonus  
4 floor area is conditioned upon approval of the design and proposed management plan by the  
5 Director. The child care facility shall be constructed consistent with the design approved by such  
6 Director and shall be operated for the minimum 20 year term consistent with the management  
7 plan approved by such Director, in each case with only such modifications as shall be approved  
8 by such Director. If the proposed management plan includes provisions for payment of rent or  
9 occupancy costs by the provider, the management plan must include a detailed operating budget,  
10 staffing ratios, and other information requested by the Director to assess whether the child care  
11 facility may be economically feasible and able to deliver quality services.  
12

13 e. The Director of the Human Services Department is authorized to accept  
14 a voluntary agreement for the provision of a child care facility to satisfy bonus conditions and  
15 related agreements and instruments consistent with this section. The voluntary agreement may  
16 provide, in case a child care facility is not maintained in continuous operation consistent with  
17 this subsection 23.58A.024.B.2 at any time within the minimum 20 year period, for the City's  
18 right to receive payment of a prorated amount of the alternative cash contribution that then  
19 would be applicable to a new project seeking bonus floor area, with any adjustments for changes  
20 in costs that the Director of the Human Services Department may deem appropriate. The  
21 Director of the Human Services Department may require security or evidence of adequate  
22 financial responsibility, or both, as a condition to acceptance of an agreement under this  
23 subsection. Review and approval of any proposed facilities, plans or other matters by the  
24  
25  
26  
27  
28

1 Director of the Human Services Department is in the interest of the City and the general public  
2 and not for the particular benefit of any persons or class, and shall not constitute any assurance to  
3 any person that any facility or its operations will satisfy any health, safety or other standards or  
4 criteria.

5 C. Payment Option. The payment option is available only where the maximum height for  
6 nonresidential use under the provisions of the zone is more than 85 feet.

7  
8 1. Amount of payments. In lieu of all or part of the performance option for low-  
9 income housing, an applicant may provide a cash contribution to the City of \$18.75 per square  
10 foot of bonus nonresidential floor area, if the Director of Housing determines that the payment  
11 achieves a result equal to or better than providing the affordable housing on-site and the payment  
12 does not exceed the approximate cost of developing the same number and quality of housing  
13 units that would otherwise be developed. In lieu of all or part of the performance option for  
14 child care, the applicant may provide a cash contribution to the City of \$3.25 per square foot of  
15 bonus nonresidential floor area to be used for child care facilities, to be administered by the  
16 Human Services Department.  
17

18 2. Timing of payments. Cash payments shall be made prior to issuance, and as a  
19 condition to issuance, of any building permit after the first building permit for a project, and in  
20 any event before any permit for any construction activity other than excavation and shoring is  
21 issued.  
22

23 3. Deposit and use of payments. Payments in lieu of low-income housing and  
24 child care facilities shall be deposited in special accounts established solely to support the  
25  
26  
27  
28

development of low-income housing and child care facilities. Earnings on balances in the special accounts shall accrue to those accounts.

a. The Director of Housing shall use cash payments in lieu of housing and any earnings thereon to support the development of low-income housing in any manner now or hereafter permitted by RCW 36.70A.540, including renter or owner housing for income-eligible households. Uses of funds may include the City's costs to administer projects, not to exceed ten percent of the payments into the special accounts. Low-income housing funded wholly or in part with cash payments shall be located within eligible areas within the Seattle city limits. Eligible areas shall be prioritized in the following order: (1) within the same neighborhoods where the developments using the bonus nonresidential floor area are located; (2) within 0.5 mile of light rail stations or bus rapid transit stations on routes serving the neighborhoods where the developments using the bonus nonresidential floor area are located; and (3) within 0.25 mile of a bus or streetcar stop on routes serving the neighborhoods where the developments using the bonus nonresidential floor area are located.

b. The Director of the Department of Human Services shall use any cash payment in lieu of child care to support the development or expansion of child care facilities within 0.5 mile of the project using the bonus nonresidential floor area, or in another location, consistent with an applicable voluntary agreement, where the child care facility addresses the additional need created by that project. Child care facilities supported with cash payments may publicly or privately owned, and if privately owned shall be committed to long-term use as child care under such agreements or instruments as the Director of the Department of Human Services shall determine are appropriate. The Director of the Department of Human Services shall require

1 that child care facilities supported with cash options payments and their operators satisfy  
2 applicable licensing requirements, and may require compliance with other provisions applicable  
3 to child care provided under the performance option, with such modifications as the Director of  
4 the Department of Human Services deems appropriate.

5 4. The Director and the Director of Housing are authorized jointly to adopt rules  
6 to interpret and implement the provisions of this subsection 23.58A.024.C, in addition to rules  
7 that may be adopted by the Director of Housing independently as authorized in this section.  
8

9 Section 67. A new Section 23.66.032 of the Seattle Municipal Code is added, as follows:

10 **23.66.032 Contributing structures; determination of architectural or historic significance**

11 A. The owner of a lot in the Pioneer Square Preservation District or the International  
12 Special Review District may apply to the Director of Neighborhoods for a determination that a  
13 structure on the lot contributes, and is expected to continue to contribute, to the architectural  
14 and/or historic character of the District. A structure for which that determination is made is  
15 considered a contributing structure for purposes of this section and for purposes of the eligibility  
16 of the lot to send South Downtown Historic TDR or South Downtown Historic TDP pursuant to  
17 Sections 23.49.014 and 23.58A.018. The determination is made by the Director of  
18 Neighborhoods, after recommendation by the Pioneer Square Preservation Board or the  
19 International Special Review District Board. A structure for which an application for demolition  
20 approval has been granted or is pending is not eligible for a determination under this section.  
21 The Director of Neighborhoods may defer consideration of an application under this section until  
22 final action is taken on any application for a certificate of approval, and any appeals have been  
23 resolved.  
24  
25  
26

1           B. In making a recommendation and decision under subsection 23.66.032.A, the  
2 relevant Board and the Director of Neighborhoods shall take into account the reasons for  
3 designating the District as set forth in Section 23.66.100 or 23.66.302 and how they apply to the  
4 structure; whether the structure was identified as historic or as contributing, or both, for purposes  
5 of listing in the National Register of Historic Places or the local special review district; and the  
6 state of historic integrity, repair, maintenance, and useful life of the structure. The Director of  
7 Neighborhoods and the relevant Board may rely on information submitted by the owner,  
8 information provided by members of the public, other information available in public records,  
9 and site visits. The Director of Neighborhoods may determine that the structure is contributing;  
10 that it cannot be contributing; or that it will be contributing conditioned upon specific  
11 rehabilitation or maintenance work.  
12

13           C. If the Director of Neighborhoods determines that the structure will be contributing  
14 conditioned upon rehabilitation or maintenance work, then the owner shall not be entitled to a  
15 final determination, and the structure shall not be considered contributing for purposes of this  
16 title, until either (1) the work is completed to the satisfaction of the Director of Neighborhoods,  
17 or (2) the issuance of a certificate of approval for the work and the provision by the owner of a  
18 bond or other security acceptable to the Director of Neighborhoods for the completion of the  
19 work.  
20  
21

22           D. The owner shall submit to the Department of Neighborhoods, in support of a  
23 request for a determination under this section, a historic resource report prepared by a historic  
24 preservation consultant approved by the Director of Neighborhoods. The historic resource report  
25 shall include the information described below in this subsection 23.66.032.D, except that the  
26  
27  
28



Director of Neighborhoods may allow the omission of information not necessary for a particular application:

1. History of the structure, including significant historical events, persons and uses associated with the structure;
2. Ownership history;
3. Construction history, including original plans and subsequent alterations to the exterior; a chronology of historical documentation; site work, references to craftsmen, builders, and architects associated with the structure; early views, photographs, and other materials showing appearance at different periods; and results of physical investigation;
4. Architectural evaluation, including an assessment of all exterior features and finishes and identification of those architectural features, materials, finishes and construction techniques that are character-defining.
5. An analysis of existing conditions, damage, structural problems, and materials deterioration.
6. Bibliography and references.

E. There is no administrative appeal of the decision of the Director of Neighborhoods. Any judicial review must be commenced within 21 days of issuance of the Director of Neighborhoods' decision, as provided by RCW 36.70C.040.

Section 68. Section 23.66.100 of the Seattle Municipal Code, which section was last amended by Ordinance 119484, is amended as follows:

**23.66.100 Creation of district, legislative findings and purpose((-))**

1           A. During the City of Seattle's relatively brief history, it has had little time in which to  
2 develop areas of consistent historical or architectural character. It is recognized that the Pioneer  
3 Square area of Seattle contains many of these rare attributes and consequently is an area of great  
4 historical and cultural significance. Further, the ~~((King County domed stadium (Kingdome)))~~  
5 regional sports stadiums, constructed in the Pioneer Square area, and the traffic and activities  
6 which ~~((#))they generate((s)) have((s))~~ resulted in adverse impacts upon the social, cultural,  
7 historic and ethnic values of the Pioneer Square area. To preserve, protect, and enhance the  
8 historic character of the Pioneer Square area and the buildings therein; to return unproductive  
9 structures to useful purposes; to attract visitors to the City; to avoid a proliferation of vehicular  
10 parking and vehicular-oriented uses; to provide regulations for existing on-street and off-street  
11 parking; to stabilize existing, and encourage a variety of new and rehabilitated housing types for  
12 all income groups; to encourage the use of transportation modes other than the private  
13 automobile; to protect existing commercial vehicle access; to improve visual and urban  
14 relationships between existing and future buildings and structures, parking spaces and public  
15 improvements within the area; and to encourage pedestrian uses, there is established as a special  
16 review district, the Pioneer Square Preservation District. The boundaries of the District are  
17 shown on Map A for 23.66.100 and on the Official Land Use Map.

21           B. The District is depicted on Map A for 23.66.100. All property in the entire District  
22 shall be developed and used in accordance with the use and development standards established in  
23 this chapter and the use and development standards for the underlying zone in which the property  
24 is located. In the event of irreconcilable differences between the use and development standards  
25 of this chapter and other provisions of this Land Use Code, the provisions of this chapter shall

1 apply, except that nothing in this chapter shall permit any use or development on a lot from  
2 which TDR or TDP are transferred that is inconsistent with the restrictions applicable as a result  
3 of such transfer pursuant to chapter 23.49 or chapter 23.58A.

4 C. Reasons for Designating the Pioneer Square Preservation District.

5 1. Historic Significance. The Pioneer Square Preservation District is unique  
6 because it is the site of the beginning of The City of Seattle. The area also retains much of the  
7 original architecture and artifacts of its early history. The District has played a significant role in  
8 the development of Seattle, the Puget Sound region and The State of Washington. It was the first  
9 location of industry, business and homes in early Seattle and the focus of commerce and  
10 transportation for more than a half century.  
11

12 2. Architectural Significance. As a collection of late nineteenth and early  
13 twentieth-century buildings of similar materials, construction techniques and architectural style,  
14 the District is unique, not only to the City but to the country as well. Most of the buildings within  
15 the District embody the distinctive characteristics of the Late Victorian style. Many buildings are  
16 the work of one architect, Elmer H. Fisher. For these and other reasons, the buildings combine to  
17 create an outstanding example of an area that is distinguishable in style, form, character and  
18 construction representative of its era.  
19

20 3. Social Diversity. The District represents an area of unique social diversity  
21 where people from many income levels and social strata live, shop and work. It is an area in  
22 which social services, including missions, low-income housing and service agencies exist.  
23

24 4. Business Environment. The District is an area of remarkable business  
25 diversity. The street level of the area north of S. King Street is pedestrian-oriented, with its  
26

storefronts occupied primarily by specialty retail shops, art galleries, restaurants and taverns. The upper floors of buildings in the historic core are occupied by professional offices, various types of light manufacturing, and housing for persons of many income groups. The area south of S. King Street includes the ~~((N))~~north ~~((Kingdome))~~ stadium parking lot, a number of structures occupied by light manufacturing and warehousing use, and several structures converted to office, residential and mixed use. The north ~~((Kingdome))~~ stadium parking lot may be redeveloped to accommodate a mix of uses, including a substantial amount of housing. The ongoing restoration and sensitive rehabilitation of many District structures, combined with proposed compatible new construction will continue to enhance the District's economic climate.

5. Educational Value. The restoration and preservation of the District will yield information of educational significance regarding the way of life and the architecture of the late nineteenth-century as well as adding interest and color to the City. Restoration of the District will preserve the environment ~~((which))~~ that was characteristic of an important era of Seattle's history.

6. Geographic Location. The District is uniquely situated adjacent to Seattle's waterfront, the central business district, the International District, and the King County ~~((dome))~~ regional sports stadiums.

Section 69. Section 23.66.150 of the Seattle Municipal Code, which section was last amended by Ordinance 123034, is amended as follows:

**23.66.150 ~~((Structure))~~ Maximum setbacks**

Except as allowed through the provisions of subsection 23.49.180.G for the PSM 85-120 zone in the area shown on Map A for 23.49.180(~~(, the maximum permitted setbacks for structures are))~~):

A. Structures located within Subarea A on Map C for 23.66.150 shall cover the full width of the lot along street lot lines and shall abut street lot lines.

B. Structures located within Subarea B on Map C for 23.66.150 shall abut street lot lines for the full width of the structure's street-facing facade.

C. New structures or portions of structures located within Subarea C on Map C for 23.66.150 shall cover the full width of the lot along street lot lines for the full width of the structure's street-facing facade for heights up to 100 feet, and any portions above 100 feet must be set back at least 15 feet from street lot lines.

D. For ~~((both))~~ all Subareas, modifications to setback standards may be permitted by the ~~((Department of Neighborhoods ))~~ Director of Neighborhoods following review and recommendation by the Preservation Board when the following criteria are met:

1. A larger or smaller setback will be compatible with and not adversely affect the streetscape or publicly-owned open space; and

2. A larger or smaller setback will be compatible with other design elements, such as bulk, size and profile, of the proposed building.

Section 70. Subsections A, B and C of Section 23.66.160 of the Seattle Municipal Code, which section was last amended by Ordinance 120466, are amended as follows:

**23.66.160 Signs(~~(-)~~)**

A. Prohibited Signs.

1                   1. The following signs (~~shall be~~) are prohibited throughout the Pioneer Square  
2 Preservation District:

3                               Permanently affixed, freestanding signs (except those used to identify  
4 areas such as parks and those authorized for surface parking lots under subsection  
5 23.66.160.C.7);

6                               Roof signs;

7                               (~~Billboards~~) Off-premises signs;

8                               Electric signs and signs using video display methods, excluding neon  
9 signs (~~(-)~~);

10                              Signs with messages that appear to be in motion;

11                              Changing image signs;

12                              Signs with flashing, running or chaser lights.

13                   2. The Board and the Director of Neighborhoods may delegate to the Director the  
14 determination whether a proposed sign is an on-premises sign.

15                   3. Each owner of an existing off-premises sign that is lawfully authorized in the  
16 District shall comply with the requirements in subsection 23.55.014.F to register the sign, pay the  
17 registration fee, and display the sign registration number, and is subject to the penalty provisions  
18 of that subsection.

19                   (~~B. All flags and banners shall be subject to Preservation Board review, and approval of~~  
20 ~~the Department of Neighborhoods Director.~~)

21                   (~~C.~~) B. To ensure that flags, banners and signs are of a scale, color, shape and type  
22 compatible with the Pioneer Square Preservation District objectives stated in Section 23.66.100

1 and with the character of the District and the buildings in the ~~((d))~~ District, to reduce driver  
2 distraction and visual blight, ~~((and))~~ to ensure that the messages of signs are not lost through  
3 undue proliferation, ~~((or competition with other signs,))~~ and to enhance views and sight lines into  
4 and down streets, the overall design of a sign, flag, or banner, including size, shape, typeface,  
5 texture, method of attachment, color, graphics and lighting, and the number and location of  
6 signs, flags, and banners, shall be reviewed by the Board and are regulated as set out in this  
7 Section. Building owners shall be encouraged to develop an overall signage plan for their  
8 ~~((entire))~~ buildings.

10 C. In determining the appropriateness of signs, including flags and banners used as signs  
11 as defined in subsection 23.84A.036, the Preservation Board shall consider the following:

12 1. Signs Attached or Applied to Structures.

13 a. The relationship of the shape of the proposed sign to the architecture of  
14 the building and with the shape of other approved signs located on the building or in proximity to  
15 the proposed sign;

17 b. The relationship of the texture of the proposed sign to the building for  
18 which it is proposed, and with other approved signs located on the building or in proximity to the  
19 proposed sign;

21 c. The possibility of physical damage to the structure and the degree to  
22 which the method of attachment would conceal or disfigure desirable architectural features or  
23 details of the structure. The method of attachment shall be approved by the Director;

24 d. The relationship of the proposed colors and graphics with the colors of  
25 the building and with other approved signs on the building or in proximity to the proposed sign;  
26

e. The relationship of the proposed sign with existing lights and lighting standards, and with the architectural and design motifs of the building;

f. Whether the proposed sign lighting will detract from the character of the building; and

g. The compatibility of the colors and graphics of the proposed sign with the character of the District.

2. Wall signs painted on or affixed to a building shall not exceed ten ~~((10%))~~ percent of the total area of the façade or ~~((two hundred forty (240)))~~ 240 square feet, whichever is less. Area of original building finish visible within the exterior dimensions of the sign (e.g., unpainted brick) shall not be considered when computing the sign's area.

3. Signs not attached to structures shall be compatible with adjacent structures and with the District generally.

4. When determining the appropriate size of a sign the Board and the ~~((Department))~~ Director of Neighborhoods ~~((Director))~~ shall also consider the ~~((purpose))~~ function of the sign and the character and scale of buildings in the immediate vicinity, the character and scale of the building for which the sign is proposed, the proposed location of the sign on the building's exterior, and the total number and size of signs proposed or existing on the building ~~((, as well as the type of sign proposed (e.g., informational, theater marquees, building identification, business identification, address or hours open signing)))~~.

5. ~~((Signing))~~ Information displayed on the valance of awnings, canopies or marquees shall be limited to identification of the name or address of the building or of an establishment located in the building.



6. Projecting signs(~~(;)~~) and neon signs(~~(; signs which appear to be in motion, and signs with flashing, running or chaser lights)~~) may be recommended only if the ((~~Preservation~~)) Board determines that all other criteria for permitted signs have been met and that historic precedent, locational or visibility concerns of the business for which the signing is proposed warrant such signing.

7. Surface Parking Lot Signage.

a. The total signage area permitted for each accessory surface parking lot shall not exceed 1 square foot for each parking space up to a maximum of 24 square feet per surface parking lot. Existing principal use surface parking lots shall have a maximum total sign area of 1/2 square foot per parking space in the surface parking lot, to a maximum of 18 square feet.

b. Surface parking lots shall display a sign, counted against the total permitted sign area, with one of the following messages, if applicable:

1) For accessory surface parking lots, or portions thereof, intended only for customer use: “Customer Parking for (Principal User/s) Only.” The sign also may contain the address of the principal user or users and mention validation of parking, if applicable. The sign also may contain the information required by state law to lawfully impound unauthorized vehicles.

2) For accessory or principal use surface parking lots, or portions thereof, intended only for reserved parking: “Reserved Parking.” The sign also may contain the name and telephone number of the owner. The sign also may contain the information required by state law to lawfully impound unauthorized vehicles.

c. Small on-premise directional signs, such as those designating the entrance to or exit from accessory surface parking areas, are permitted when they are three or fewer square feet in area and are located at a height four or fewer feet above grade at points of egress or ingress. Such signs shall not be counted against the total permitted sign area.

\* \* \*

Section 71. Section 23.66.302 of the Seattle Municipal Code, which section was enacted by Ordinance 112134, is amended as follows:

**23.66.302 International Special Review District goals and objectives((:))**

The International District is the urban focal point for the Asian American community. The International Special Review District is established to promote, preserve and perpetuate the cultural, economic, historical, and otherwise beneficial qualities of the area, particularly the features derived from its Asian heritage, by:

A. Reestablishing the District as a stable residential neighborhood with a mixture of housing types;

B. Encouraging the use of street-level spaces for pedestrian-oriented retail ((speciality)) specialty shops with colorful and interesting displays;

C. Protecting the area and its periphery from the proliferation of parking lots and other automobile-oriented uses;

D. Encouraging the rehabilitation of existing structures;

E. Improving the visual and urban design relationships between existing and future buildings, parking garages, open spaces and public improvements within the International District;

1 F. Exercising a reasonable degree of control over site development and the location of  
2 off-street parking and other automobile-oriented uses; and

3 G. Discouraging traffic and parking resulting from ((Kingdome)) athletic stadium events  
4 and commuters working outside the District.

5 All property within the International Special Review District, as designated on the  
6 Official Land Use Map, shall be subject to the use and development standards of the underlying  
7 zoning and the applicable use and development standards of this chapter. In the event of  
8 irreconcilable differences between the use and development standards of this chapter and the  
9 provisions of the underlying zone or other chapters of the Seattle Municipal Code or other City  
10 ordinances, the provisions of this chapter shall apply, except that nothing in this chapter shall  
11 permit any use or development on a lot from which TDR or TDP are transferred that is  
12 inconsistent with the restrictions applicable as a result of such transfer pursuant to chapter 23.49  
13 or chapter 23.58A. The boundaries of the International Special Review District are shown on the  
14 Official Land Use Map, and on Map A for 23.66.302((A,1 International Special Review District  
15 Boundaries)), included at the end of this ((sub))chapter.

16 Section 72. Section 23.66.306 of the Seattle Municipal Code, which section was last  
17 amended by Ordinance 112519, is amended as follows:

18 **23.66.306 International District Residential (IDR) Zone goals and objectives((:))**

19 The International District residential area shall be predominantly a residential  
20 neighborhood with primarily residential uses. Other compatible uses shall be permitted to the  
21 extent that they reinforce and do not detract from the primary use of the area. The IDR

1 designation and the regulations of the International Special Review District shall recognize and  
2 promote the area's unique social and urban design character. Special objectives include:

3 A. The establishment of the International District (~~((hilltop))~~) area north of South Jackson  
4 Street as one of downtown's predominant residential neighborhoods;

5 B. The development of flexible land use controls, regulations and guidelines to address  
6 present conditions and those which may develop in the future;

7 C. The design, siting, and construction of structures which minimize view blockage from  
8 Kobe Terrace Park and from existing structures (~~((which))~~) that are used primarily for residential  
9 purposes;  
10

11 D. The design, siting and construction of structures (~~((which insure))~~) in a manner that  
12 allows reasonable solar exposure and air circulation to adjacent properties;

13 E. The design, siting and construction of structures that are aesthetically compatible with  
14 the area's steep topography and/or nearby public open spaces.  
15

16 Section 73. Section 23.66.308 of the Seattle Municipal Code, which section was enacted  
17 by Ordinance 112134, is amended as follows:

18 **23.66.308 International (~~((d))~~) District (~~((goals and objectives))~~) preferred uses east of the**  
19 **((i)) Interstate 5 Freeway((;))**  
20

21 Preferred uses for that portion of the International District that lies east of (~~((the))~~)  
22 Interstate 5 (~~((Freeway))~~) include restaurants, retail shops, residential uses, and other small- and  
23 medium-scale commercial (~~((processing of food for human consumption, and custom and craft~~  
24 ~~work. Processing of food and the production of arts and crafts))~~) uses. Commercial businesses and  
25 uses with an Asian product, service or trade emphasis are preferred. (~~((Permitted))~~) Preferred uses  
26  
27  
28

1 should contribute to the International District's business core or to the function and purposes of  
2 the International District east of Interstate 5.

3 Section 74. Section 23.66.310 of the Seattle Municipal Code, which section was last  
4 amended by Ordinance 116744, is amended as follows:

5 **23.66.310 Union Station Corridor goals and objectives((=))**

6 The Union Station Corridor is that area bounded by Yesler Way, Fifth Avenue, Airport  
7 Way South, and Fourth Avenue. The City, in cooperation with King County Metro, local  
8 property owners and the affected community, ~~((should attempt to formulate))~~ formulated a  
9 strategy for the redevelopment of the Union Station Corridor in coordination with the Downtown  
10 Transit Project. Specific objectives for a Planned Community Development in the Union Station  
11 Corridor include the following:  
12

13 A. Preservation. The historic Union Station structure should be retained and rehabilitated  
14 with consideration given to a mix of private and public uses.  
15

16 B. Uses. Development in the Corridor should incorporate a mix of uses, such as office,  
17 housing, hotel and retail uses in conformance with the IDM Zone designation and the regulations  
18 of the International Special Review District. Retention of existing low-income housing should be  
19 given a high priority. Consideration should be given to the inclusion of public open space and  
20 public uses serving the community.  
21

22 C. Planned Community Development. The provisions of Section 23.49.036, Planned  
23 Community Developments, shall apply in the area. This procedure shall allow projects to modify  
24 the provisions of the IDM designation as long as the entire project is in conformance. All  
25 planned community developments shall be reviewed by the International Special Review District  
26

Board which shall make a recommendation to the ((Department of Neighborhoods)) Director of Neighborhoods.

D. Open Space. Public open space should be included in the development plan for the area. Consideration should be given to the development of a linear open space along Fifth Avenue south of Jackson Street and of a major focal point at the west end of King Street.

E. Parking. A major parking facility should be considered for development in the area south of the Union Station building. The number of parking spaces provided should be sufficient to meet the requirements for development in the corridor, as well as to contribute to the long-range needs of the International District.

F. Scale. Building height and bulk should conform to the IDM Zone designation and the regulations of the International Special Review District. Development south of Jackson Street should preserve the Union Station building as the dominant structure.

G. View Corridors. Views from Jackson and King Streets should be retained.

H. Pedestrian Environment. To ((integrate Union Station and the Kingdome and)) provide a pedestrian link between the International District retail core and Pioneer Square, a pedestrian connection should be ((developed)) retained south of King Street. Consideration should be given to pedestrian improvements along Jackson Street and along Fifth Avenue between Jackson Street and Airport Way South such as streetscaping, widened sidewalks and benches, to "humanize" what are now vehicular-oriented streets.

Section 75. Section 23.66.318 of the Seattle Municipal Code, which section was last amended by Ordinance 120157, is amended as follows:

**23.66.318 Demolition approval((,))**

1           A. To discourage the unnecessary demolition of useful existing structures (~~((which))~~) that  
2 contribute to the District's cultural and social character, an assessment of the structure proposed  
3 to be demolished shall be prepared and circulated to the Board prior to its consideration of a  
4 certificate of approval. Among other factors, the economic, social and physical consequences  
5 and benefits of the requested demolition and any alternatives to demolition shall be assessed.  
6 Except as provided in subsection 23.66.318.B below, a certificate of approval may be granted  
7 only when the requested demolition will not adversely affect the District and no reasonable  
8 alternatives to demolition exist, and when:  
9

10                   1. The Director of Neighborhoods, following a recommendation by the Special  
11 Review Board, determines that the building or structure has no important architectural or historic  
12 significance; and  
13

14                   2. Use and design of a replacement structure have been approved by the  
15 (~~((Department of Neighborhoods))~~) Director of Neighborhoods; and  
16

17                   3. Proof acceptable to the (~~((Department of Neighborhoods))~~) Director of  
18 Neighborhoods of a valid commitment for interim and long-term financing for the replacement  
19 structure has been secured. In addition to other proof, the (~~((Department of Neighborhoods))~~)  
20 Director of Neighborhoods may accept a bond, letter of credit, or cash deposit as a demonstration  
21 that the project has adequate financial backing to ensure completion; and  
22

23                   4. Satisfactory arrangements have been made for retention of any part of the  
24 structure's facade which the (~~((Department of Neighborhoods))~~) Director of Neighborhoods and  
25 Special Review Board determine to be significant; and  
26  
27  
28

5. Satisfactory assurance is provided that new construction will be completed within two ~~((2))~~ years of demolition.

B. When demolition or removal of a building or other structure in the District is essential to protect the public health, safety and welfare or when the purposes of this chapter will be furthered by the demolition or removal, then the Director of Neighborhoods, following review and recommendation by the Board, may authorize such demolition or removal whether the prerequisites of this section are satisfied or not.

C. Pursuant to RCW 36.70B.140, the ~~((Department of Neighborhoods ))~~ Director of Neighborhoods'~~((s))~~ decision is exempt from the time limits and other requirements of RCW 36.70B.060 through 36.70B.080 and the requirements of RCW 36.70B.110 through 36.70B.130.

D. There is no administrative appeal of the decision of the Director ~~((of the Department ))~~ of Neighborhoods. The ~~((Department of Neighborhoods))~~ Director of Neighborhoods'~~((s))~~ decision shall be final. Any judicial review must be commenced within ~~((twenty-one (21)))~~ 21 days of issuance of the ~~((Department of Neighborhoods))~~ Director of Neighborhoods'~~((s))~~ decision, as provided by RCW 36.70C.040.

Section 76. Section 23.66.322 of the Seattle Municipal Code, which section was last amended by Ordinance 122311, is amended as follows:

**23.66.322 Prohibited uses~~((:))~~**

A. The following uses are prohibited as both principal and accessory uses in the entire International Special Review District:

Adult motion picture theaters;

Adult panorams;



1 All general and heavy manufacturing uses;

2 All high-impact uses;

3 Solid waste management;

4 Recycling uses;

5 Automotive sales and service;

6 Bowling lanes;

7 Major communication utilities;

8 Heavy commercial sales;

9 Drive-in businesses;

10 Frozen food lockers;

11 Heavy commercial services;

12 Marine sales and services;

13 Medical testing laboratories;

14 Mortuary services;

15 Motels;

16 Outdoor storage;

17 Plant nurseries;

18 Retail ice dispensaries;

19 Shooting galleries;

20 Skating rinks;

21 Mobile home parks;

Transportation facilities except: passenger terminals, rail transit facilities, and parking and moorage uses;

Animal shelters and kennels;

~~((Veterinary offices;))~~

~~((Pet grooming;))~~

Jails;

Work-release centers.

B. In addition to the prohibited uses listed in subsection 23.66.322.A, light manufacturing uses that occupy more than ~~((ten thousand (10,000)))~~ 10,000 square feet are prohibited in that portion of the International Special Review District west of ~~((the))~~ Interstate 5 ~~((Freeway))~~.

C. All light manufacturing uses are prohibited in that portion of the District in ~~((the))~~ an IDR ~~((Z))~~zone.

Section 77. Section 23.66.324 of the Seattle Municipal Code, which section was last amended by Ordinance 121145, is amended as follows:

**23.66.324 Uses subject to special review~~((;))~~**

A. The following uses are ~~((shall be))~~ subject to ~~((special))~~ review by the Board:

Formula fast food restaurants;

Hotels;

Planned community developments;

Principal use parking garages;

Street-level uses subject to special review as provided in ~~((S))~~subsection 23.66.326.C and subsection 23.66.326.G.

B. Nature of Review.

1. The evaluation of applications for uses subject to special review shall be based upon the proposal's impacts on the cultural, economic, social, historical and related characteristics of the International District, particularly those characteristics derived from its Asian heritage; existing and potential residential uses; the pedestrian environment; traffic and parking in the District; noise and light and glare.

2. In reviewing applications for principal-use parking garages, the Board shall consider the potential of the proposal to serve the particular parking needs of the International District. The Board shall encourage participation in an area-wide merchants' parking association.

C. The Board may recommend to the Director that an application ~~((for special review))~~ be approved, approved with conditions, or denied.

Section 78. Section 23.66.326 of the Seattle Municipal Code, which section was last amended by Ordinance 122311, is amended as follows:

**23.66.326 Street-level uses((,))**

A. To retain and strengthen the King Street business core as a pedestrian-oriented retail shopping district, street-level uses are ~~((shall be))~~ required on streets within the retail core designated on Map B for 23.66.326((,1 the International District Retail Core)). Required street-level uses shall satisfy the standards of this section.

B. Preference shall be given to pedestrian-oriented retail shopping and service businesses that are highly visible or prominently display merchandise in a manner that contributes color and activity to the streetscape, including but not limited to:

Apparel shops;

Asian arts, crafts, and specialty goods shops;

Bakeries;

Banks;

Barbecue shops;

Bookstores;

Coffee shops;

Floral shops;

Groceries;

Museums;

~~((Oriental crafts shops;))~~

Personal services such as beauty shops and barbershops;

Restaurants;

Sidewalk cafes;

Tea shops;

Travel agencies;

Variety stores.

C. The Board may, following a special review of potential impacts, including, but not limited to traffic, parking, noise and the scale and character of the pedestrian environment, recommend to the ~~((Department of Neighborhoods))~~ Director of Neighborhoods that the following uses at street level be approved when the impacts of such uses are not significantly adverse:

Appliance repair shops;

Research and development laboratories;

Radio and television studios;

Residential uses;

Taxidermy shops;

Upholstery establishments;

Vocational or fine arts schools;

Warehouses or wholesale showrooms, especially when including storage of jewelry, optical or photographic goods, pharmaceuticals, cosmetics, and other similar high-value, low-bulk articles.

The Board may recommend, and the Director may impose, conditions to mitigate the impacts of approved uses.

#### D. Standards for Required Street-level Uses.

1. Street-level uses within the retail core designated on Map B for 23.66.326, ~~((Retail Core,))~~ shall not exceed ~~((fifty (50)))~~ 50 feet of street frontage per use when located within the interior portion of a block, or ~~((one hundred forty five (145)))~~ 145 feet of street frontage per use when located on a corner.

2. Street-level uses shall comply with exterior building finish requirements of Section 23.66.336 ~~((of this Land Use Code))~~.

E. Nonpedestrian-oriented uses and businesses that are not typically visible from the sidewalk may not exceed ~~((twenty five (25)))~~ 25 feet of street frontage per use when located within the interior portion of a block, or ~~((one hundred forty five (145)))~~ 145 feet of street

frontage per use when located on a corner. Nonpedestrian-oriented uses include but are not limited to:

- Community clubs or centers;
- Family associations;
- Human service uses;
- Nonprofit community service organizations;
- Theaters and spectator sports facilities.

F. Lots outside the retail core located along S. Jackson Street designated on Map B for 23.66.326 are subject to other street-level use requirements pursuant to Section 23.49.009.

G. To ensure street-level activity in commercial buildings outside the retail core, street level uses identified in subsection 23.66.326.B are required along 50 percent or more of each street frontage of any building that contains no residential uses and that is in an IDR zone or is in the IDM zone north of S. Dearborn Street. This standard may be waived by the Director after consultation with the Board if it is determined that the proposed uses and design of the structure at street-level are compatible with the character of the surrounding neighborhood, and the goals and objectives of the International Special Review District and of the zone in which the structure is located.

Section 79. Section 23.66.328 of the Seattle Municipal Code, which section was last amended by Ordinance 112777, is amended as follows:

**23.66.328 Uses above street level((=))**

A. To encourage and facilitate the rehabilitation and renovation of existing structures for housing or other uses not preferred at street level, uses above street level on streets within the

1 retail core designated on Map B for 23.66.326, ~~((Retail Core))~~ shall meet the standards of this  
2 ~~((s))~~ Section 23.66.328.

3 B. Residential uses and non-vehicular-oriented commercial uses ~~((which))~~ that primarily  
4 serve the District and are in operation throughout the day are ~~((shall be ))~~ preferred. Preferred  
5 uses above street level include but are not limited to:

6 Community clubs and centers;

7 Expansion of existing retail sales and service uses at street level;

8 Medical services, such as offices for doctors or dentists;

9 Offices;

10 Hotels;

11 Vocational or fine arts schools;

12 Wholesale showrooms.

13  
14  
15 Section 80. Section 23.66.330 of the Seattle Municipal Code, which section was enacted  
16 by Ordinance 112134, is repealed.

17 Section 81. Section 23.66.332 of the Seattle Municipal Code, which section was last  
18 amended by Ordinance 120928, is amended as follows:

19 **23.66.332 Height and Rooftop Features** ~~((:))~~  
20

21 A. Maximum structure height shall be as designated on the Official Land Use Map,  
22 Chapter 23.32, except as provided in this Section 23.66.332 ~~((, for that portion of the~~  
23 ~~International District located west of the Interstate 5 Freeway))~~.

24 ~~((B. For that portion of the International District located east of the Interstate 5 Freeway,~~  
25 ~~maximum structure height shall be sixty five (65) feet.))~~  
26

~~((C.))~~ B. Rooftop Features.

1  
2           1. The Special Review Board and the ~~((Department of Neighborhoods))~~ Director  
3 of Neighborhoods shall review rooftop features to preserve views from Kobe Terrace Park.

4           2. Religious symbols for religious institutions, smokestacks and flagpoles are  
5 exempt from height controls, except as regulated in Chapter 23.64 ~~((of this Land Use Code))~~,  
6 provided they are at least ~~((ten (10)))~~ 10 feet from all lot lines.

7  
8           3. Open railings, planters, clerestories, skylights, play equipment, parapets and  
9 firewalls may extend up to ~~((four (4)))~~ 4 feet above the maximum height limit and may have  
10 unlimited rooftop coverage.

11           4. Solar collectors excluding greenhouses may extend up to ~~((seven (7)))~~ 7 feet  
12 above the maximum height limit and may have unlimited rooftop coverage.

13  
14           5. The following rooftop features may extend up to ~~((fifteen (15)))~~ 15 feet above  
15 the maximum height limit provided that the combined coverage of all features listed below does  
16 not exceed ~~((fifteen (15)))~~ 15 percent of the roof area:

- 17                   a. Solar collectors, excluding greenhouses;  
18                   b. Stair and elevator penthouses;  
19                   c. Mechanical equipment that is set back at least ~~((fifteen (15)))~~ 15 feet  
20 from the roof edge;  
21  
22                   d. Minor communication utilities and accessory communication devices,  
23 except that height is regulated according to the provisions of Section 23.57.014.

24           Additional combined coverage of these rooftop features, not to exceed ~~((twenty-~~  
25 ~~five (25)))~~ 25 percent of the roof area, may be permitted subject to review by the Special Review  
26



Board and ~~((approved))~~ approval by the ~~((Department of Neighborhoods))~~ Director of Neighborhoods.

6. Structures existing prior to June 1, 1989 may add new or replace existing mechanical equipment up to ~~((fifteen (15)))~~ 15 feet above the existing roof elevation of the structure as long as it is set back at least ~~((fifteen (15)))~~ 15 feet from the roof edge subject to review by the Special Review Board and approval by the ~~((Department of Neighborhoods))~~ Director of Neighborhoods.

7. Screening of Rooftop Features. Measures may be taken to screen rooftop features from public view subject to review by the Special Review Board and approval by the ~~((Department of Neighborhoods))~~ Director of Neighborhoods. The amount of roof area enclosed by rooftop screening may exceed the maximum percentage of the combined coverage of rooftop features listed in subsection ~~((C5))~~ 23.66.332.B.5 above. In no circumstances shall the height of rooftop screening exceed ~~((fifteen (15)))~~ 15 feet above the maximum height limit.

8. For height exceptions for communication utilities and devices, see Section 23.57.014.

Section 82. Section 23.66.334 of the Seattle Municipal Code, which section was last amended by Ordinance 116744, is amended as follows:

**23.66.334 Streets and sidewalks~~((;))~~**

Review by the Special Review ~~((District))~~ Board and approval by the ~~((Department of Neighborhoods))~~ Director of Neighborhoods are ~~((shall be))~~ required before any changes may be made to sidewalk prism lights, sidewalk furniture, sidewalk widths, or street paving and curbs.

Review by the Special Review Board and approval by the Director of Neighborhoods is required for any street design concept plan prior to inclusion in the Right-of-Way Improvements Manual.

Section 83. Section 23.66.336 of the Seattle Municipal Code, which section was last amended by Ordinance 116744, is amended as follows:

**23.66.336 Exterior building finishes((=))**

A. General Requirements. To retain and enhance the visual order of the District, which is created by existing older buildings that provide unique character and form through their subtle detailing and quarter-block and half-block coverage, new development, including exterior remodeling, should respect the architectural and structural integrity of the building in which the work is undertaken, through sympathetic use of colors, material and style. Exterior building facades shall be of a scale compatible with surrounding structures. Window proportions, floor height, cornice line, street elevations and other elements of the building facades shall relate to the scale of the existing buildings in the immediate area.

B. Asian Design Character District. The location of the Asian Design Character District of the International District is ((shall be)) the same as the ((~~ID Retail Core, as illustrated~~)) location of the retail core designated on Map B for 23.66.326. To strengthen and preserve the existing Asian architectural character of the Asian Design Character District, tiled awnings, recessed balconies, heavy timber construction, and materials and colors as specified below are encouraged.

1. Materials. Building facades shall be limited to earthen materials such as brick, concrete, stucco and wood. Other materials ((~~, such as anodized aluminum,~~)) may be used if approved by the ((~~Board~~)) Director of Neighborhoods. Brick and concrete may not be painted

1 unless approved by the ~~((Board))~~ Director of Neighborhoods. Stucco may be used in conjunction  
2 with other contrasting materials such as dark stained wood. Decorative ceramic glazed roof tiles  
3 are encouraged, as are tiled awnings and marquees when appropriately integrated into the overall  
4 design.

5                 2. Colors. Building facade colors must be reviewed by the Special Review Board  
6 and approved by the ~~((Department of Neighborhoods))~~ Director of Neighborhoods. Colors shall  
7 be compatible with those of adjacent buildings.  
8

9                 3. Surfaces. Textured concrete, brick and wood surfaces are preferred over non-  
10 textured surfaces. Recesses and voids which break up monotonous surface areas and create  
11 visual relief are encouraged. The design and location of mechanical equipment visible from the  
12 street must be reviewed by the Board and approved by the ~~((Department of Neighborhoods))~~  
13 Director of Neighborhoods.  
14

15                 4. Transparency Requirement. Street-level uses shall have highly visible linkages  
16 with the street. Transparent surfaces shall be provided for at least ~~((fifty (50)))~~ 50 percent of the  
17 exposed street-facing facade measured between sidewalk level and a height of ~~((ten (10)))~~ 10 feet  
18 or the height of the second floor level, whichever is less. The average height of window sills  
19 shall be no greater than ~~((three (3)))~~ 3 feet above the sidewalk. A decrease in the percentage of  
20 required transparency may be permitted by the Board when:  
21

22                         a. There is a design constraint, such as permanent wainscoting, and  
23 removal or alteration would detract from the structural or architectural integrity of the building;  
24 or  
25  
26  
27  
28

b. The existing layout of the building or other physical constraints such as the placement of load bearing walls or columns creates a hardship. Whenever transparency requirements are reduced, wall murals, landscaping, colored awnings, display cases, or other means appropriate to the setting shall be provided to create visual interest.

5. Awnings. Awnings shall be functional, serving as weather protection for pedestrians at street level. Awnings over sidewalks shall overhang the sidewalk a minimum of five ((5)) feet. All awnings shall be of a design compatible with the architecture of the area.

C. Exterior Building Design Outside the Asian Design Character District. Outside the Asian Design Character District, earthen colors and masonry construction with nonmetallic surfaces are preferred. Concrete construction will also be permitted when treated in a manner or incorporated into a design that provides visual interest and avoids large unbroken surface areas.

Section 84. Section 23.66.338 of the Seattle Municipal Code, which section was last amended by Ordinance 120466, is amended as follows:

**23.66.338 ~~((Business identification signs.))~~ Signs**

~~((To ensure that the scale, shape, color and type of signs within the International Special Review District are consistent with permitted uses and are in keeping with the Asian character of the area, the following sign controls shall apply:))~~

A. Business establishments may erect signs, including banners and flags that are signs as defined in subsection 23.84A.036, pursuant to the regulations of this section when the Department of Neighborhoods determines the proposed sign meets the following criteria and issues a certificate of approval.

1                   1. The scale, color, shape, type, location and number of signs are consistent with  
2 the goals and objectives of the International Special Review District and the Union Station  
3 Corridor and in particular the Asian character of the area;

4                   2. The messages of signs are not lost through undue proliferation;

5                   3. Views and sightlines into and down streets are enhanced;

6                   4. Driver distraction and visual blight are limited.

7  
8                   ~~((A-))~~ B. Message. Except as otherwise provided in this Section 23.66.338, s((S))igns  
9 ~~((shall be))~~ are limited to those that identify the name of the establishment, its street address,  
10 ~~((and/or))~~ the primary business or service provided ~~((by it))~~ and/or product name signs when (1)  
11 the sign is incidental to other signs and (2) the establishment or use on the premises is the sole  
12 distributor of the product in the District. Except as provided above, ((A))advertising related to  
13 businesses or services not provided on the premises or products not manufactured on the site  
14 ~~((are))~~ is prohibited. ~~((; provided, that product name signs that are incidental to other signs on~~  
15 ~~the premises may be permitted when the establishment or use on the premises is the sole~~  
16 ~~distributor of the product in the District.))~~ Noncommercial messages may be substituted for the  
17 text of any approved sign when the characters in the message use the same Asian or non-Asian  
18 character style as the approved sign and no other attribute of the sign is changed, provided that  
19 the overall sign may be smaller in size than the approved sign. When no business sign has been  
20 approved under subsection 23.66.338.A, a business in the premises where the business is located  
21 may apply for a sign with a noncommercial message under the same procedures and standards as  
22 a sign with an allowed commercial message.

23  
24  
25                   ~~((B-))~~ C. Permitted Signs.  
26  
27  
28

1. Permitted signs include banners and flags, projecting and non-projecting signs integrated into the building façade, marquee, awning and window signs ~~((that are approved by the Department of Neighborhoods Director following a recommendation by the Board))~~.

2. Banners and flags bearing emblems, symbols or messages ~~((shall be))~~ are permitted ~~((on an interim basis only and shall be))~~ and are subject to periodic review ~~((and approval))~~ to ensure that their appearance is maintained and that they comply with the requirements of this Code.

3. Signs with messages displaying only time or temperature, or both, are allowed to change display if, in addition to complying with the standards set out in this Section, the message does not flash, display a message for less than ten seconds at a time, or use a video display method.

~~((C.))~~ D. Prohibited Signs.

1. The following signs are prohibited throughout the International Special Review District:

Freestanding signs (except signs in parks ~~((or))~~ and those authorized for surface parking lots under subsection 23.66.338.E.1)((;));

roof signs~~((;))~~;

portable signs~~((;))~~;

off-premises ~~((advertising))~~ signs ~~((billboards;))~~; ~~((and))~~

product advertising signs of a permanent nature except as allowed in subsection 23.66.338.B;

flashing signs;

changing image signs (including video display methods) except as allowed  
in subsection 23.66.338.C; and

signs with messages that appear to be in motion or that make a noise. ((are  
prohibited. Flashing signs or signs that appear to be in motion shall be prohibited unless of a  
public service nature, such as signs indicating the temperature or time of day.))

2. The Board and the Director of Neighborhoods may delegate to the Director the  
determination as to whether a proposed sign is an on-premises sign.

3. Each owner of an existing off-premises sign that is lawfully authorized in the  
District shall comply with the requirements in subsection 23.55.014.F to register the sign, pay the  
registration fee, and display the sign registration number, and is subject to the penalty provisions  
of that subsection.

~~((D.))~~ E. ((Permitted Sign Area)) Surface Parking Lot Signage.

~~((1. Asian Character Signs. Asian character signs are Asian bilingual or~~  
~~multilingual business identification signs at street level in which at least forty (40) percent of the~~  
~~message area is in a non-English medium, or signs that have recognizable Asian symbols or~~  
~~designs that have been reviewed by the Board and approved by the Department of~~  
~~Neighborhoods Director. The total message area of all such signs for an individual use shall not~~  
~~exceed the area indicated on Table 338 D. For street frontages not listed on Table 338 D, the~~  
~~Maximum Sign Area column shall be interpolated proportionally.~~

~~2. Non-Asian Character Signs. The total message area of non-Asian character~~  
~~signs for each street-level use shall not exceed seventy (70) percent of the area authorized in~~  
~~subsection D1 and indicated on Table 338 D.~~

**TABLE 338D SIGN AREA PERMITTED**

<b>Street Frontage</b>	<b>Maximum Sign Area Permitted</b>
15	59
16	61
17	62
18	64
19	65
20	66
21	68
22	69
23	70
24	71
25	72
26	74
27	75
28	76
29	77
30	78
35	83
40	87
45	92
50	96
55	99
60	103
65	106
70	109
75	112
80	115
85	118
90	121
95	124
100	126
110	131
120	136
130	140
140	144
150	148
160	152
170	156
180	160
190	163
200	167



220	173
240	179
260	185
280	190
300	196
320	201
340	206
360	211
380	215
400	220
420	224
440	228
460	232
480	236
500	240

3. The total number of signs permitted per use is not limited; provided, that the total area of all signs for an individual use shall not exceed the area authorized in subsections D1 and D2. The maximum size for any single sign face for Asian and non-Asian character signs at street level shall be seventy-five (75) square feet for a single-faced sign and one hundred and fifty (150) square feet for a double-faced sign, unless the Department of Neighborhoods Director, after review and recommendation by the Board, approves a greater sign area because of hardships resulting from location, topography or similar conditions.

4. Businesses located on or above the second floor may have business identification signs with a total sign area that does not exceed one-half (1/2) of the area authorized in subsection D1 and indicated on Table 338 D. The maximum size for any single sign face above the second floor shall be forty (40) square feet for a single-faced sign and eighty (80) square feet for a double-faced sign unless the Department of Neighborhoods Director, after review and recommendation by the Board, approves a greater sign area because of hardships resulting from location, topography or similar conditions.

5. ~~The total illuminated area of theater marquees shall not exceed eighty (80) square feet in addition to the sign area authorized in subsections D1 and D2.))~~

~~((6-))~~ 1. ~~((Parking Lot Signage-))~~ The total signage area permitted for each accessory surface parking lot shall not exceed ~~((one-1))~~ 1 square foot for each parking space up to a maximum of ~~((twenty-four (24)))~~ 24 square feet. Existing principal use surface parking lots shall have a maximum total sign area of ~~((one-half (1/2)))~~ 1/2 square foot per parking space in the lot, to a maximum of ~~((eighteen (18)))~~ 18 square feet.

~~((a-))~~ 2. Surface ~~((Parking))~~ parking lots shall display a sign, counted against the total permitted sign area, with one of the following messages, if applicable:

~~((1-))~~ a. For ~~((customer))~~ accessory surface parking lots, or portions thereof, intended only for customer use: "Customer Parking for (Principal ~~((User or Users))~~User/s) Only." ~~((Other cars will be impounded (location)-))~~ The sign also may ~~((also))~~ contain the ~~((name and))~~ address of the principal user or users and mention validation of parking if applicable. The sign also may contain the information required by state law to lawfully impound unauthorized vehicles.

~~((2-))~~ b. For accessory or principal use surface parking lots, or portions thereof, intended only for ~~((long-term))~~ reserved parking ~~((lots))~~: "Reserved Parking" ~~((Under Contract. Other cars will be impounded (location)-))~~. The sign also may ~~((also))~~ contain the name and telephone number of the owner. The sign also may contain the information required by state law to lawfully impound unauthorized vehicles.

~~((b-))~~ 3. Small on-premise directional signs, such as those designating the entrance to or exit from accessory surface parking areas, ~~((that))~~ are permitted when they are ~~((three (3)))~~

3 or fewer square feet in area and are located at a height ~~((four (4)))~~ 4 or fewer feet above grade at points of egress or ingress ~~((are permitted))~~. Such signs shall not be counted against the total permitted sign area.

~~((7. Sign size shall be calculated according to the provisions of Section 23.86.004 of this Land Use Code.))~~

~~((E.))~~ F. Illumination.

1. Neon-lit signs are encouraged to create an exciting and enhanced visual image in the retail core.

~~((1. No sign or light shall move, flash or make noise. Exceptions may be granted by the Department of Neighborhoods Director for indicators of time or temperature, after review and recommendation by the Board.))~~

2. Illuminated signs shall be designed and sited in a manner to minimize glare on floors above grade in nearby residences.

~~((3. Signs using video display methods are prohibited.))~~

~~((F.))~~ G. Exceptions for Miscellaneous Signs.

1. Signs that are hand painted, gold\_leafed or decaled onto the glass area of a building façade ~~((shall be))~~ are permitted without the approval of the ~~((Department of Neighborhoods))~~ Director of Neighborhoods or review by the Board when the total area of all such signs does not exceed ~~((four (4)))~~ 4 square feet per business. Signs on glass in excess of ~~((four (4)))~~ 4 square feet per business are ~~((shall be))~~ subject to review by the Board and approval by the ~~((Department of Neighborhoods ))~~ Director of Neighborhoods for visual interest

and compatibility with the surrounding area. ~~((, and shall be calculated against the total permitted signable area.))~~

2. ~~Non-illuminated ((symbolic))~~ signs consisting of Asian language symbols painted on wood or other non-glass exterior surfaces ~~((that are four (4) square feet or less))~~ of structures ~~((shall be))~~ are permitted ((outright)) without the approval of the Director of Neighborhoods or review by the Board when the total area of all such signs is four square feet or less, and are subject to Board review and approval by the Director of Neighborhoods for visual interest and compatibility with the surrounding area when the total area of all such signs is more than 4 square feet.

~~((2.))~~ 3. Graphics and paintings are permitted on building walls that do not abut a street lot line only if such graphics and paintings are not primarily used to advertise or identify businesses or products and comply with the building façade provisions of Section 23.66.336 of this chapter. All graphics and paintings on building walls shall be subject to review by the Board and approval by the ~~((Department of Neighborhoods ))~~ Director of Neighborhoods.

\*\*\*

~~((G.))~~ H. Criteria for Approval

1. The overall design of a sign including size, shape, texture, method of attachment, color and lighting, shall be compatible with the use to which the sign refers, with the ~~((architecture))~~ colors, architectural and design motifs of the building upon which it is to be installed, and with the District. When reviewing sign proposals, the Board and the Director of Neighborhoods shall consider the factors identified in subsection 23.66.338.A, including the function of the sign and the character and scale of buildings in the immediate vicinity, the

1 character and scale of the building for which the sign is proposed, the proposed location of the  
2 sign on the building's exterior, the compatibility of the colors and graphics of the proposed sign  
3 with the character of the District, and the total number and size of signs proposed or existing on  
4 the building.

5 2. Signs that incorporate recognizable Asian designs or Asian language symbols  
6 in at least 40 percent of their message area, or are multilingual, are preferred.

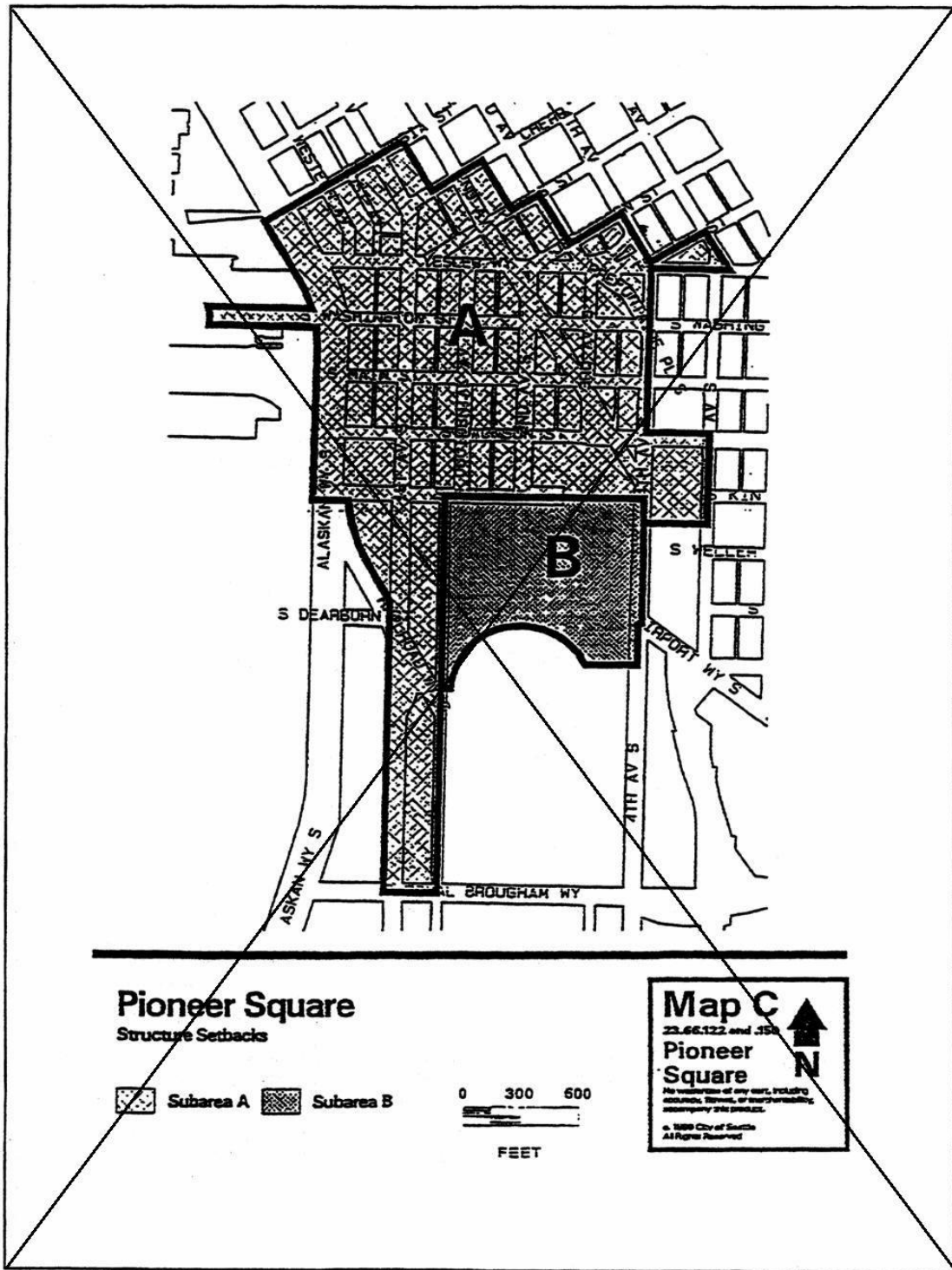
7  
8 ~~((2.))~~ 3. Signs shall be affixed to structures so that they do not conceal, damage,  
9 or disfigure desirable architectural features or details of the structure.

10 ~~((3.))~~ 4. Projecting signs shall be sited in a manner that minimizes view blockage  
11 of abutting business signs.

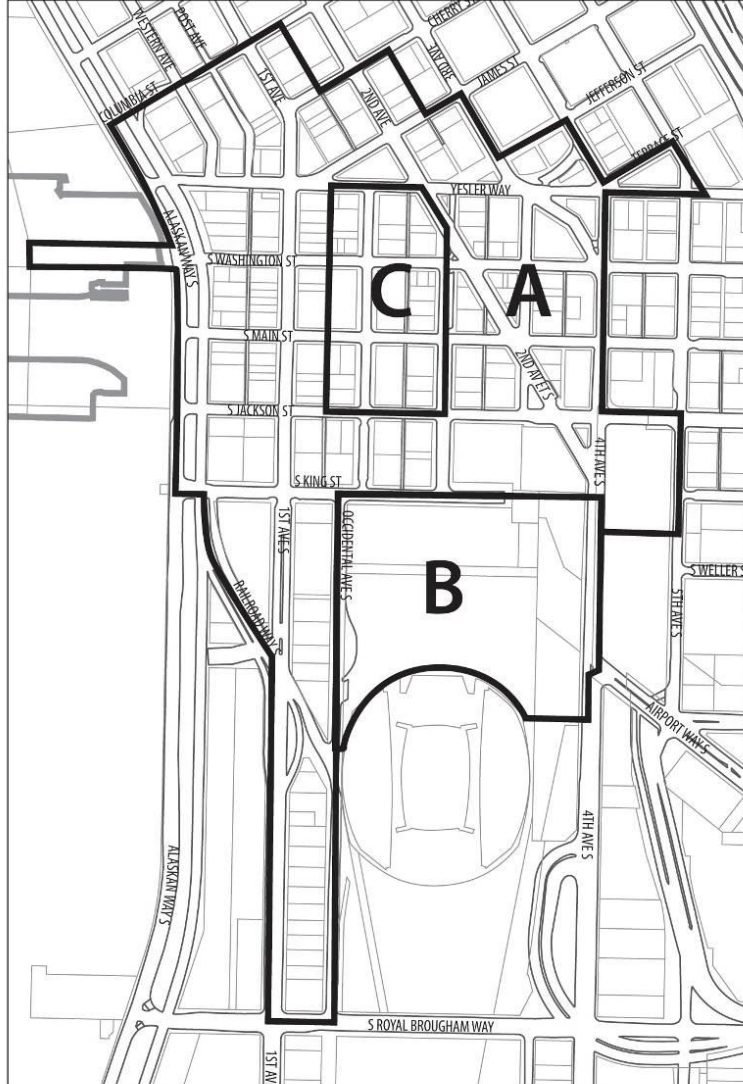
12 ~~((4.))~~ 5. All projecting signs shall be installed or erected so that there are no  
13 visible angle iron sign supports above the roof, building face or wall.

14  
15 I. Permitted Sign Area. Sign area is calculated according to Section 23.86.004.

16 Section 85. Map C 23.66.122 and .150 Pioneer Square, Map D 23.66.170 Pioneer  
17 Square, Map A International District, and Map B International District, all as codified at the end  
18 of Chapter 23.66 of the Seattle Municipal Code, are hereby repealed and the following Map C  
19 for 23.66.122 and .150, Map D for 23.66.170, Map A for 23.66.302 and Map B for 23.66.326,  
20 are hereby enacted to be codified at the end of Chapter 23.66.  
21  
22  
23  
24  
25  
26  
27  
28



## Map C for 23.66.122 and .150



## Pioneer Square

### Structure Setbacks

**A** Subarea A

**B** Subarea B

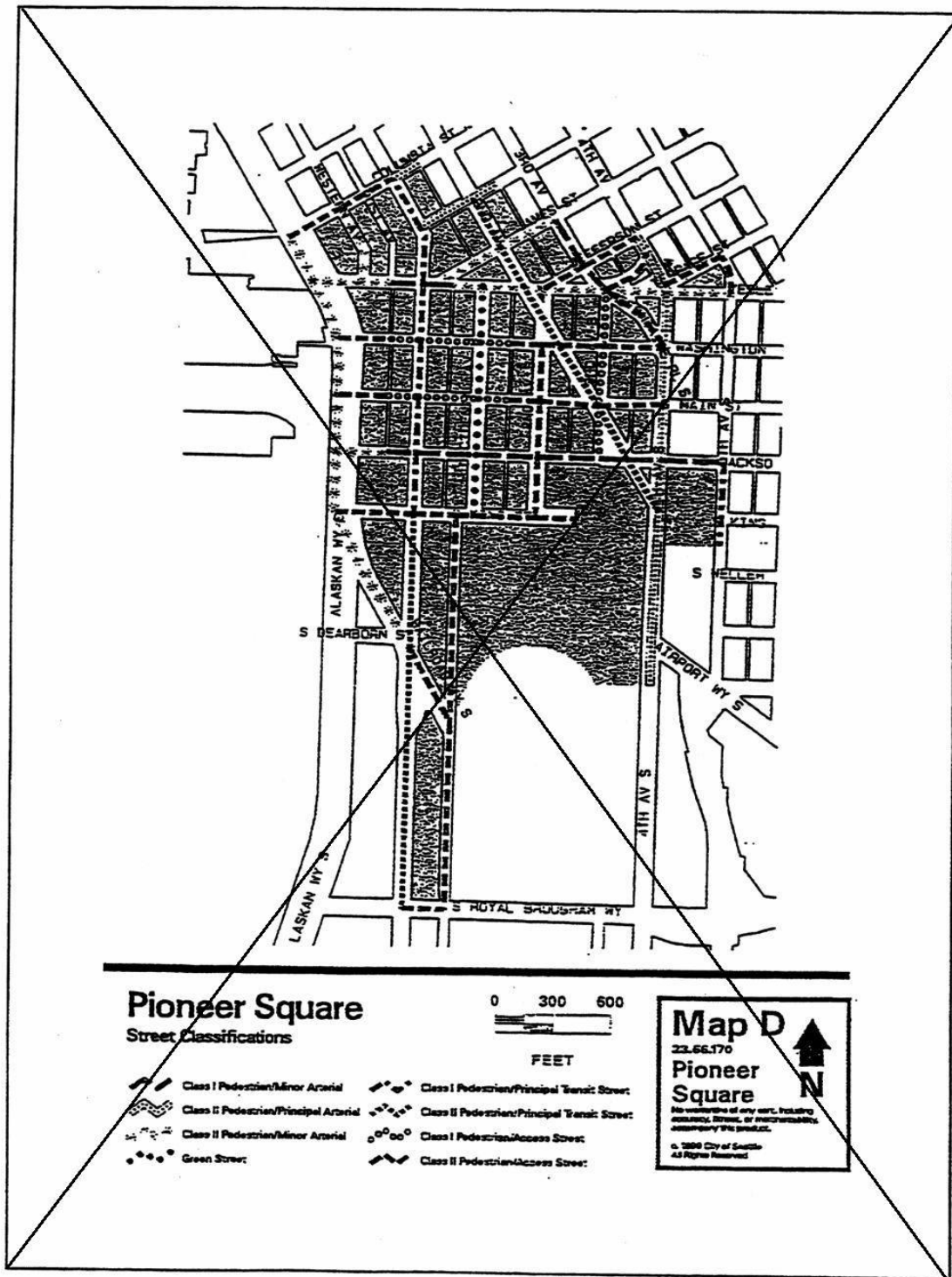
**C** Subarea C

### Map C

23.66.122 and .150

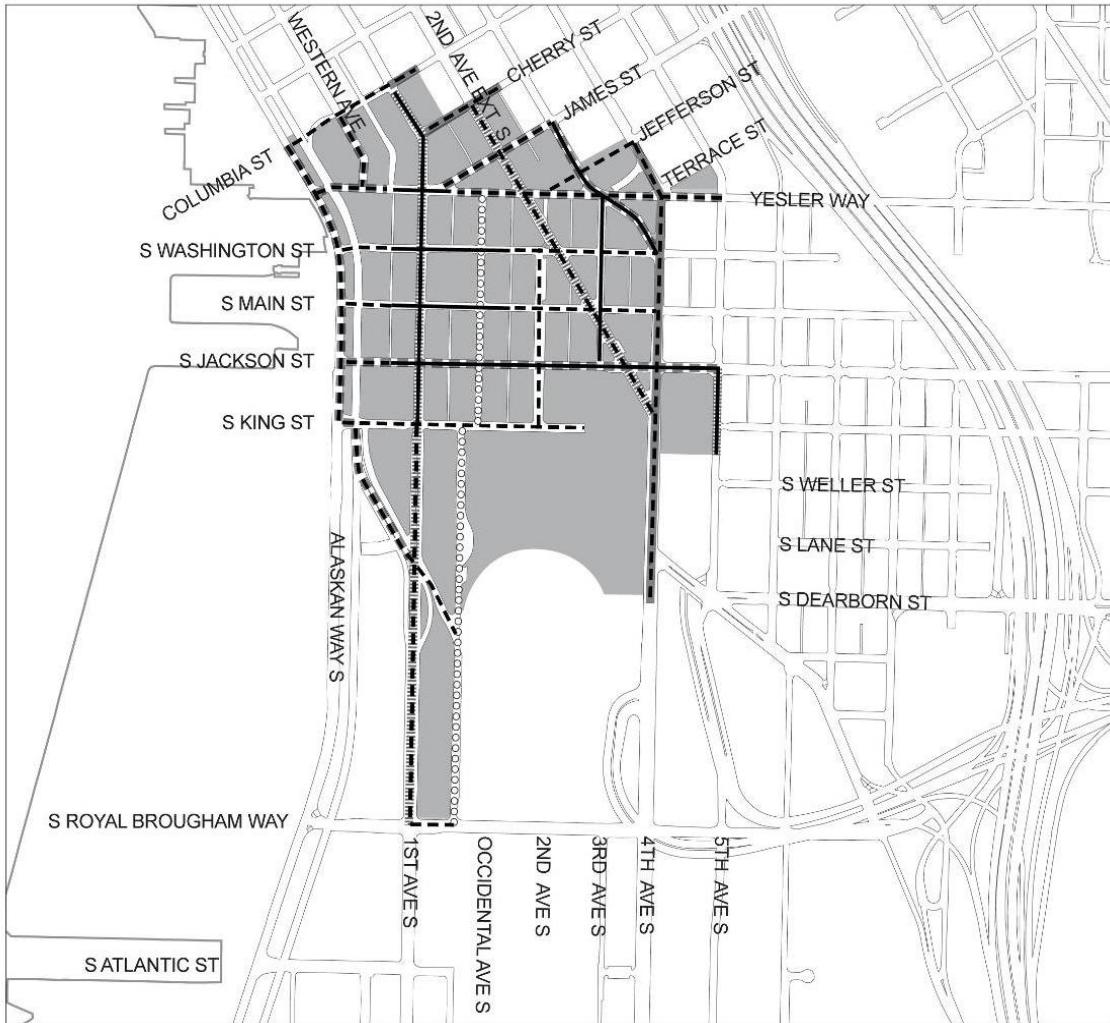
### Pioneer Square

©2009 City of Seattle  
 All rights reserved. No  
 warranties of any sort,  
 including accuracy,  
 fitness or merchantability  
 accompany this product.



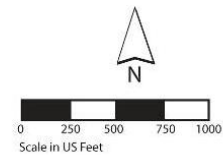


## Map D for 23.66.170

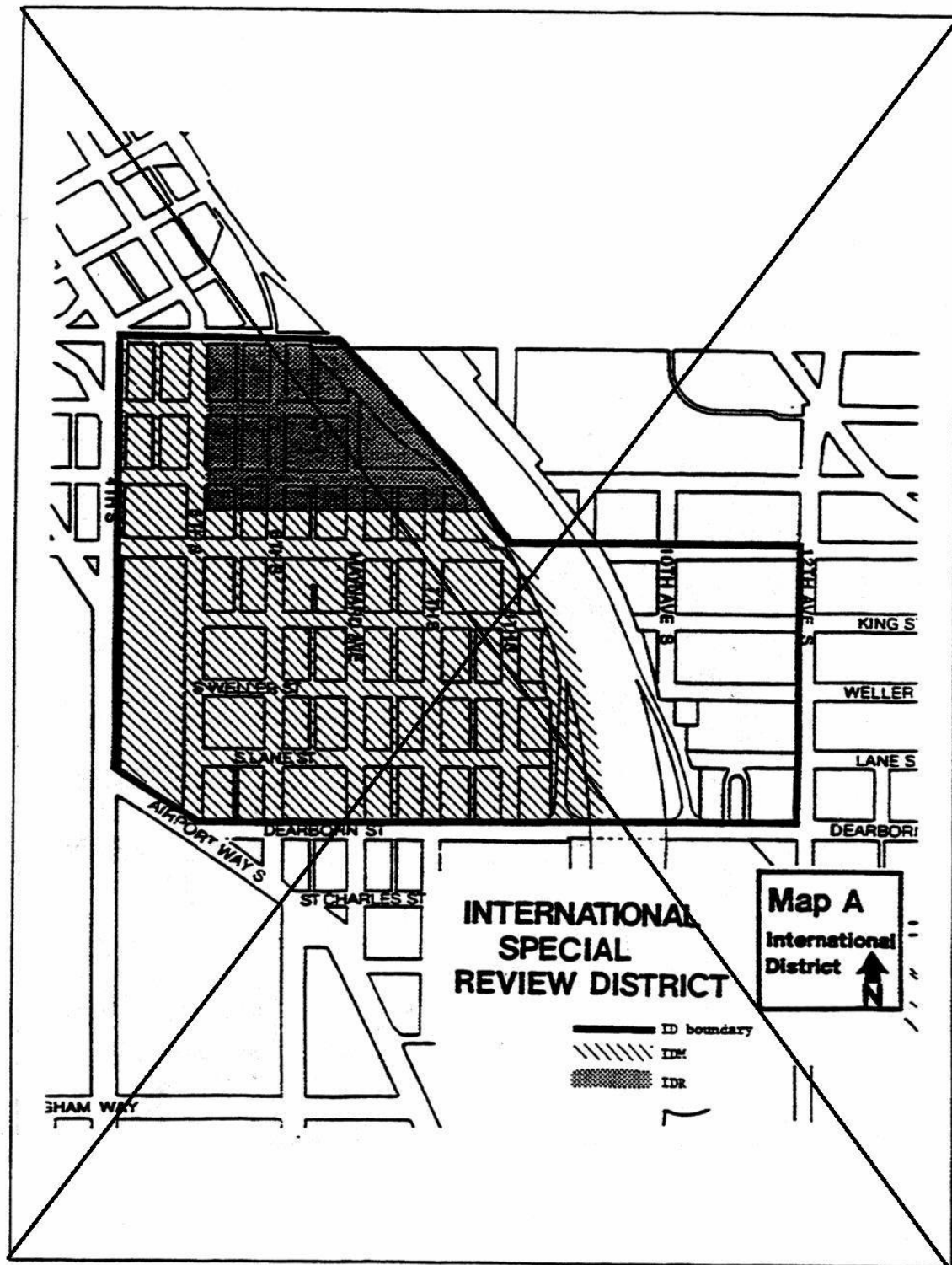


- |   |  |
|---|--|
| — Class I Pedestrian / Access Street                | - - - Class II Pedestrian / Access Street            |
| - - - Class I Pedestrian / Minor Arterial           | - - - Class II Pedestrian / Minor Arterial           |
| - - - Class I Pedestrian / Principal Transit Street | - - - Class II Pedestrian / Principal Transit Street |
| o o o o Green Street                                | - - - Class II Pedestrian / Principal Arterial       |
| ■ Pioneer Square<br>Preservation District           |  |

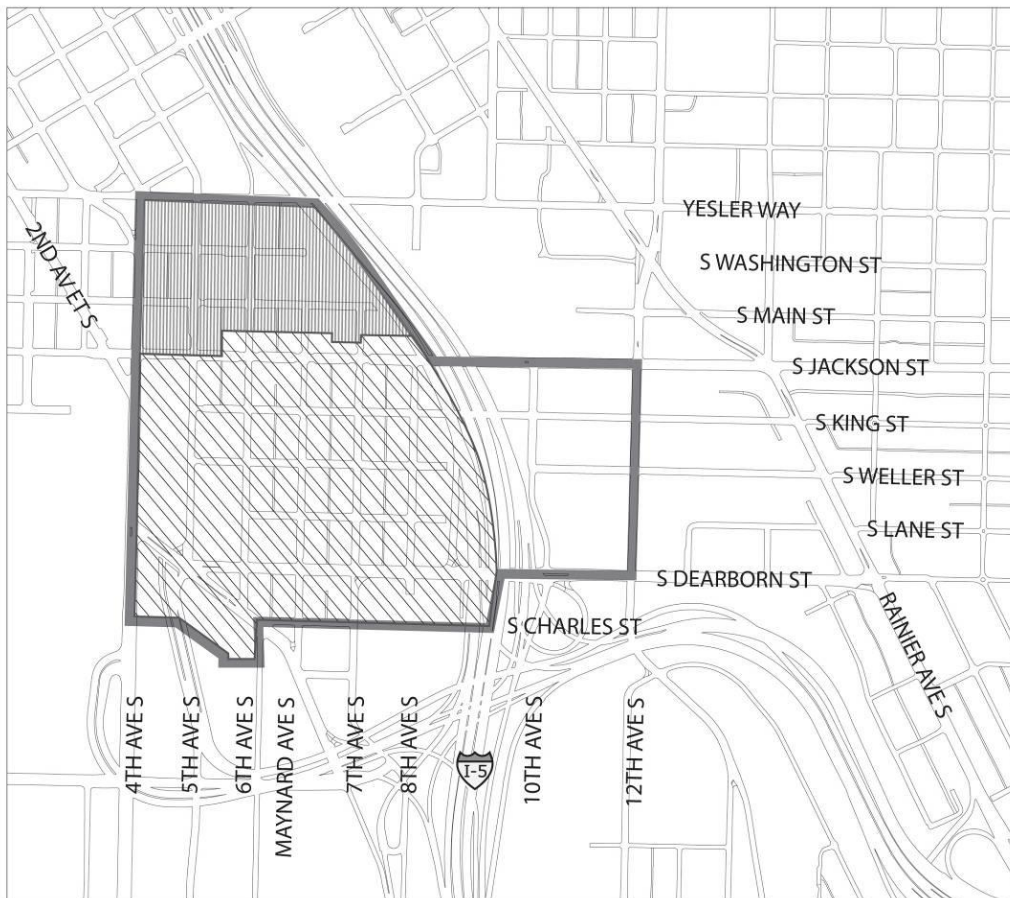
© 2009 City of Seattle  
 All rights reserved. No warranties of any  
 sort, including accuracy, fitness, or  
 merchantability accompany this product.



DOWNTOWN ZONING  
**Map D**  
 for 23.66.170

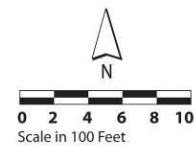


**Map A for 23.66.302**

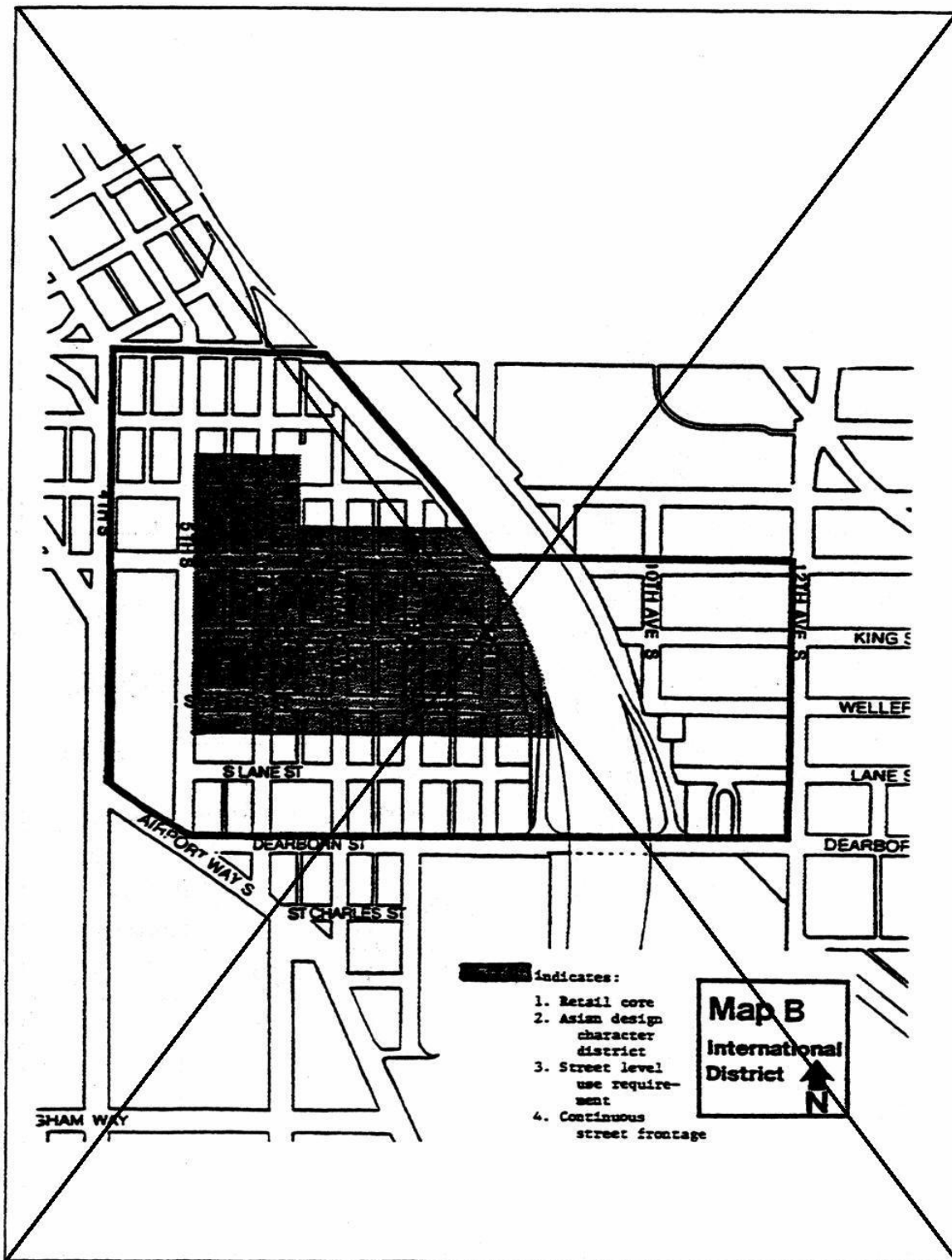


-  IDR
-  IDM
-  International Special Review District Boundary

© 2009 City of Seattle  
 All rights reserved. No warranties of any  
 sort, including accuracy, fitness, or  
 merchantability accompany this product.

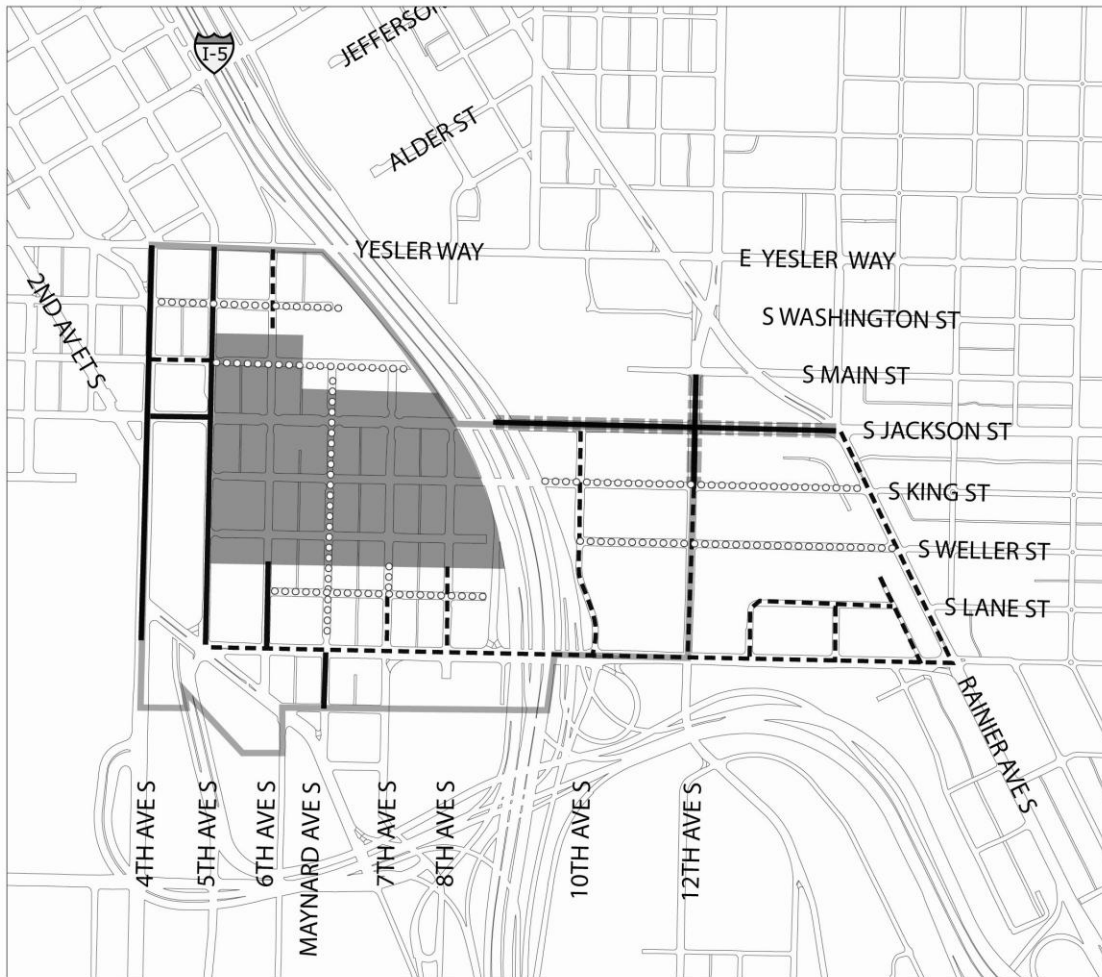


DOWNTOWN ZONING  
**Map A**  
 for 23.66.302



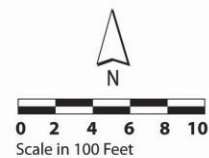


## Map B for 23.66.326 International District



- Class I Pedestrian Street
- - - Class II Pedestrian Street
- Area to which the provisions of 23.49.009, street-level use requirements, apply.
- oooo Green Street
- International Special Review District
- Indicates
  1. Retail Core
  2. Asian Design Character District
  3. Street-Level Use Requirement
  4. Continuous Street Frontage

© 2009 City of Seattle  
 All rights reserved. No warranties of any sort, including accuracy, fitness, or merchantability accompany this product.



DOWNTOWN ZONING  
**Map B**  
 for 23.66.326  
 International  
 District

Section 86. Section 23.74.006 of the Seattle Municipal Code, which section was enacted by Ordinance 119972, is amended as follows:

**23.74.006 Application of Regulations((~))**

A. Land located within the Stadium Transition Area Overlay District, as shown on Exhibit 23.74.004 A, is subject to the regulations of the underlying zone except as otherwise expressly provided in this chapter.

B. In the event of a conflict between the provisions of this chapter and the underlying zone, the provisions of this chapter apply, except as specified in subsection 23.74.006.C. Where the provisions of the underlying zone are more restrictive, that is not considered a conflict, and compliance with the provisions of the underlying zone is required, except as specifically provided in this chapter. Where the provisions of this chapter are more restrictive, compliance with those provisions is required, subject to any departures that may be authorized pursuant to design review under Section 23.41.012 and to provisions for nonconforming uses and structures in Sections 23.50.008 and 23.50.010.

C. Areas zoned IC 65-160. On lots zoned IC 65-160 that are located within the Stadium Transition Area Overlay District, the provisions of Chapter 23.74 apply to all development with chargeable floor area that does not exceed the base FAR established pursuant to subsection 23.50.028.C. For development with extra floor area above the base FAR, in the event of a conflict between the provisions of subsection 23.74.010 and the provisions of Chapter 23.50 for development in the IC 65-160 zone with extra floor area above the base FAR, the provisions of Chapter 23.50 apply.

Section 87. Subsection C of Section 23.74.010 of the Seattle Municipal Code, which section was last amended by CB 116774, is amended as follows:

**23.74.010 Development Standards**

\*\*\*

C. The following development standards apply to each use and structure, except spectator sports facilities, to the extent that the use or structure either is on a lot fronting on Railroad Way South, 1st Avenue South, South Holgate between 1st Avenue South and Occidental Avenue South, or Occidental Avenue South, or is within a 40 foot radius measured from any of the block corners of 1st Avenue South or Occidental Avenue South intersecting with the following streets: Railroad Way South, South Royal Brougham, South Atlantic, South Massachusetts, South Holgate and any other streets intersecting with 1st Avenue or Occidental Avenue South that may be established between South Holgate Street and Railroad Way South, as depicted in Exhibit A for 23.74.010. Railroad Way South, First Avenue South, South Holgate Street and Occidental Avenue South within the Stadium Transition Area Overlay District, and all street areas within a 40 foot radius of any of those block corners described above, are referred to in this section as the "pedestrian environment," except that in applying this section to a through lot abutting on Occidental Avenue South and on 1st Avenue South, Occidental Avenue South is not considered part of the pedestrian environment.

1. Street Facade Requirements. The following requirements apply to facades or portions thereof facing streets or portions of streets in the pedestrian environment:

a. Minimum Facade Height. Minimum facade height shall be ~~((twenty-five (25)))~~ 25 feet, but minimum facade heights shall not apply when all portions of the structure are lower than the elevation of the required minimum facade height.

b. Facade Setback Limits.

~~((i))~~ 1) Within the first ~~((twenty-five (25)))~~ 25 feet of height measured from sidewalk grade, all building facades must be built to within ~~((two (2)))~~ 2 feet of the street property line for the entire facade length. For purposes of this subsection ~~((C)(1)(b)))~~ 23.74.010.C.1.b, balcony railings and other nonstructural features or nonstructural walls are not considered parts of the facade of the structure.

~~((ii))~~ 2) Above ~~((twenty-five (25)))~~ 25 feet measured from sidewalk grade, the maximum setback is ~~((ten (10)))~~ 10 feet, and no single setback area that is deeper than ~~((two (2)))~~ 2 feet shall be wider than ~~((twenty (20)))~~ 20 feet, measured parallel to the street property line.

~~((iii))~~ 3) The facade shall return to within ~~((two (2)))~~ 2 feet of the street property line for a minimum of ~~((ten (10)))~~ 10 feet, measured parallel to the street property line, between any two setback areas that are deeper than ~~((two (2)))~~ 2 feet.

2. Outdoor Service Areas. Gas station pumps, service islands, queuing lanes, and other service areas related to fueling are not allowed between any structure and the pedestrian environment area described in this section. Gas station pumps, service islands, queuing lanes, and other service areas related to fueling must be located behind or to the side of a gas station, as viewed from any street in such pedestrian environment and are not allowed between any structure on the same lot and the pedestrian environment area described in this section.



1                   3. Screening and Landscaping. The requirements of Sections 23.50.016,  
2 23.50.034, and 23.50.038, including requirements contingent on location near a commercial  
3 zone, apply to all new uses and structures. Requirements in Section 23.50.038 contingent on  
4 location near a residential lot do not apply. In addition, the screening and landscaping  
5 requirements for outdoor storage in subsection 23.47A.016.D.2 apply, with respect to street lot  
6 lines abutting the pedestrian environment, to the following uses, where a principal or accessory  
7 use is located outdoors: outdoor storage (except for outdoor storage associated with florists and  
8 horticultural uses), sales and rental of motorized vehicles, towing services, sales and rental of  
9 large boats, dry boat storage, heavy commercial sales except fuel sales, heavy commercial  
10 services, outdoor sports and recreation, wholesale showrooms, mini-warehouse, warehouse,  
11 transportation facilities except rail transit facilities, utilities (except for utility service uses), and  
12 light and general manufacturing.  
13  
14

15                   4. Blank Facades and Transparency Requirements. In addition to the blank facade  
16 requirements of Section ((~~23.50.038 A2~~))23.50.038.A.3, the blank façade limits and transparency  
17 and street tree requirements of Section 23.49.056.C, D, and E, and the screening of parking  
18 requirements of Section 23.49.019.B apply to facades or portions thereof facing streets in the  
19 pedestrian environment, except that requirements for Class I Pedestrian Streets and designated  
20 green streets do not apply.  
21

22                   5. Principal Pedestrian Entrances. A principal pedestrian entrance to a structure  
23 having a facade along Railroad Way South, 1st Avenue South, or Occidental Avenue South shall  
24 be located on Railroad Way South, 1st Avenue South, or Occidental Avenue South, respectively.  
25  
26  
27  
28

If the structure has facades along both 1st Avenue South and Occidental Avenue South a principal pedestrian entrance is required only on 1<sup>st</sup> Avenue South.

\*\*\*

Section 88. Section 23.84A.006 of the Seattle Municipal Code, which section was last amended by [CB 116534](#), is amended as follows:

**23.84A.006 Definitions – “C((<sup>+</sup>))”**

“Contributing structure” means a structure that the Director of Neighborhoods has determined contributes and will contribute to the architectural and/or historic character of the Pioneer Square Preservation District or the International Special Review District pursuant to Section 23.66.032, and for which any conditions to a final determination to that effect have been satisfied.

\*\*\*

Section 89. Section 23.84A.036 of the Seattle Municipal Code, which section was enacted by [Ord123105](#), is amended as follows:

**23.84A.036 Definitions --“S((<sup>+</sup>))”**

\*\*\*

“South Downtown” means the area that is identified as such on Map 1A for Chapter 23.49.

\* \* \*

Section 90. Section 23.84A.038 of the Seattle Municipal Code, which section was enacted by [CB 116534](#), is amended as follows:

**23.84A.038 Definitions -- "T((<sup>+</sup>))”**

\*\*\*

"TDR, Landmark" means TDR that are eligible for transfer based on the ~~((landmark status of))~~ fact that the sending lot or a structure on such lot is designated as a landmark or as part of a landmark under Chapter 25.12 or its predecessor ordinance, except Landmark housing TDR.

\* \* \*

"TDR, South Downtown Historic" means TDR, except Landmark TDR, that are determined to be eligible for transfer based on the status of the sending lot as contributing to the architectural or historic character of the Pioneer Square Preservation District or the International Special Review District pursuant to Section 23.66.032.

\*\*\*

"TDR site, South Downtown Historic" means a lot eligible to transfer South Downtown Historic TDR, located within the Pioneer Square Preservation District or the International Special Review District, that includes one or more structures designated as contributing to the architectural or historic character of the district pursuant to Section 23.66.032.

\*\*\*

Section 91. Subsections B and D of Section 23.90.018 of the Seattle Municipal Code, which section was last amended by Ordinance 123209, are amended as follows:

**23.90.018 Civil enforcement proceedings and penalties.**

\*\*\*

**B. Specific Violations.**

1                   1. Violations of Section 23.71.018 are subject to penalty in the amount specified  
2 in subsection 23.71.018.H.

3                   2. Violations of the requirements of subsection 23.44.041.C are subject to a civil  
4 penalty of \$5,000, which shall be in addition to any penalty imposed under subsection  
5 23.90.018.A.

6                   3. Violations of Section 23.49.011, 23.49.015, 23.49.023, or 23.50.051 with  
7 respect to failure to demonstrate compliance with commitments to earn LEED Silver ratings  
8 under applicable sections are subject to penalty in amounts determined under Section 23.49.020,  
9 and not to any other penalty, but final determination and enforcement of penalties under that  
10 Section are subject to subsection 23.90.018.C.

11                   4. Violations of Section 23.45.526 with respect to failure to demonstrate  
12 compliance with commitments to earn a LEED Silver rating or a 4-Star rating awarded by the  
13 Master Builders Association of King and Snohomish Counties or other eligible green building  
14 ratings systems under applicable sections are subject to penalty in amounts determined under  
15 ~~((this))~~ subsection 23.90.018.E, and not to any other penalty.

16                   5. Violation of ~~((S))~~subsection 23.40.007.B with respect to failure to  
17 demonstrate compliance with a waste diversion plan for a structure permitted to be demolished  
18 under subsection 23.40.006.C is subject to a penalty in an amount determined as follows:  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1            $P = SF \times .02 \times RDR,$

2           where:

3           P is the penalty;

4           SF is the total square footage of the structure for which the demolition permit was issued;  
5 and

6           RDR is the refuse disposal rate, which is the per ton rate established in SMC Chapter  
7 21.40, and in effect on the date the penalty accrues, for the deposit of refuse at City recycling and  
8 disposal stations by the largest class of vehicles.

9           C. Civil actions to enforce Title 23 shall be brought exclusively in Seattle Municipal  
10 Court except as otherwise required by law or court rule. The Director shall request in writing  
11 that the City Attorney take enforcement action. The City Attorney shall, with the assistance of  
12 the Director, take appropriate action to enforce Title 23. In any civil action filed pursuant to this  
13 chapter, the City has the burden of proving by a preponderance of the evidence that a violation  
14 exists or existed. The issuance of the notice of violation or of an order following a review by  
15 the Director is not itself evidence that a violation exists.  
16

17           D. Except in cases of violations of Section 23.45.526, 23.49.011, 23.49.015, 23.49.023,  
18 or 23.50.051 with respect to failure to demonstrate compliance with commitments to earn LEED  
19 Silver, Built Green 4-Star, or ESDS ratings or satisfy alternative standards, the violator may  
20 show as full or partial mitigation of liability:  
21

22           1. That the violation giving rise to the action was caused by the willful act, or  
23 neglect, or abuse of another; or  
24

2. That correction of the violation was commenced promptly upon receipt of the notice thereof, but that full compliance within the time specified was prevented by inability to obtain necessary materials or labor, inability to gain access to the subject structure, or other condition or circumstance beyond the control of the defendant.

\*\*\*

Section 92. Subsection B of Section 23.90.020 of the Seattle Municipal Code, which section was last amended by Ordinance [123209](#), is amended as follows:

**23.90.020 Alternative criminal penalty((:))**

\*\*\*

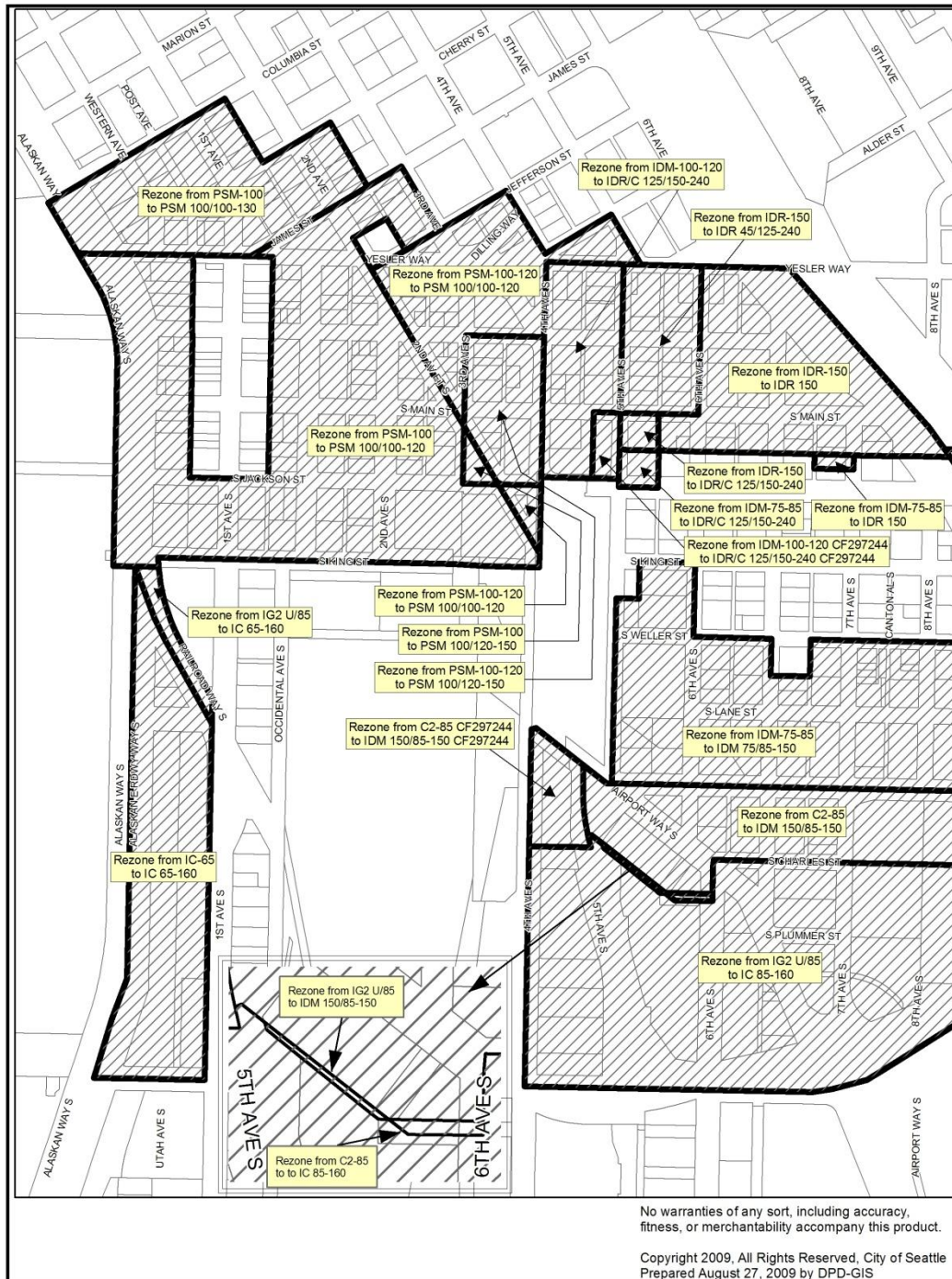
B. A criminal penalty, not to exceed \$5,000 per occurrence, may be imposed:

1. For violations of ((§)) subsection 23.90.002.D;

2. For any other violation of this Code for which corrective action is not possible, other than violations with respect to commitments to earn LEED Silver ratings, Built Green 4-Star ratings, or ESDS ratings or satisfy alternative standards ((~~under Sections 23.45.526, 23.49.011, 23.49.015, or 23.50.051~~)); and

3. For any willful, intentional, or bad faith failure or refusal to comply with the standards or requirements of this Code.

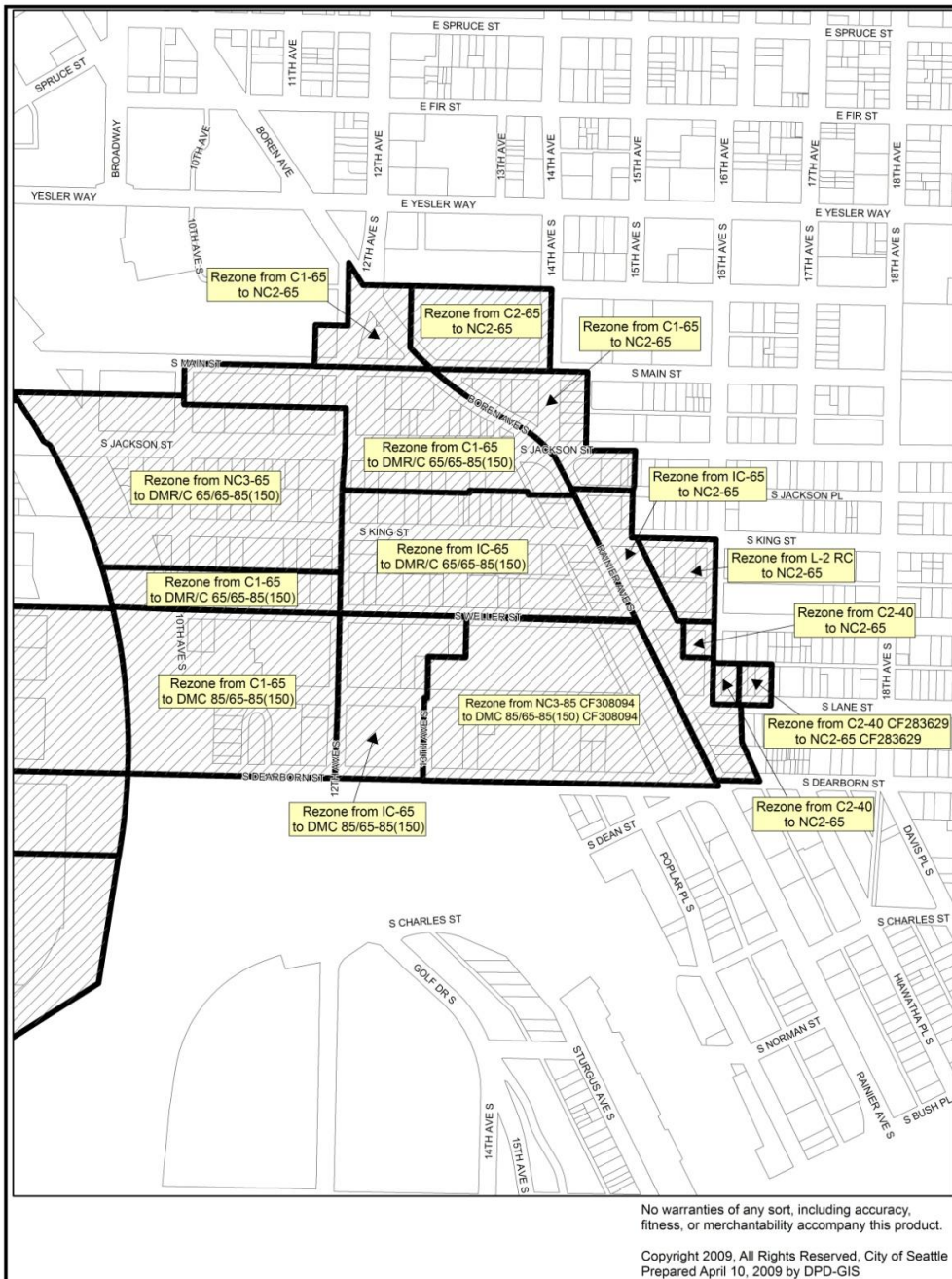
Exhibit A  
Rezoning West of Interstate 5





## Exhibit B

### Rezones East of Interstate 5





1           Section 93. The provisions of this ordinance are declared to be separate and severable.  
2           The invalidity of any particular provision, or its invalidity as applied in any circumstances, shall  
3           not affect the validity of any other provision or the application of the particular provision in other  
4           circumstances. The repeal or modification of various sections of Title 23 of the Seattle  
5           Municipal Code by this ordinance shall not relieve any person of the obligation to comply with  
6           the terms and conditions of any permit issued pursuant to the provisions of such Title as in effect  
7           prior to such repeal, nor shall it relieve any person or property of any obligations, conditions or  
8           restrictions in any agreement or instrument made or granted pursuant to, or with reference to, the  
9           provisions of such Title in effect prior to such repeal.  
10          provisions of such Title in effect prior to such repeal.

11           Section 94. This ordinance is intended in part to adopt affordable housing incentive  
12           programs for residential development and for nonresidential development in certain areas of  
13           South Downtown in accordance with RCW 36.70A.540. To the extent any performance or  
14           payment related to affordable housing under Section 23.58A.014 or 23.58A.024 and any related  
15           provisions of this ordinance may constitute a tax under applicable law, this ordinance enacts that  
16           tax pursuant to the authority in RCW 36.70A.540. Section XXX.  
17           tax pursuant to the authority in RCW 36.70A.540. Section XXX.

18           This ordinance shall take effect and be in force thirty (30) days from and after its approval by  
19           the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation,  
20           it shall take effect as provided by Municipal Code Section 1.04.020.  
21           it shall take effect as provided by Municipal Code Section 1.04.020.

1  
2 Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2010, and  
3 signed by me in open session in authentication of its passage this  
4  
5 \_\_\_\_ day of \_\_\_\_\_, 2010.

6  
7 \_\_\_\_\_  
8 President \_\_\_\_\_ of the City Council

9 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2010.  
10

11  
12 \_\_\_\_\_  
13 Michael Patrick McGinn, Mayor

14 Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2010.  
15

16  
17 (Seal)  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28